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**EVALUATION OF LAND CONSERVATION MEASURES
FOR NORTH MONTEREY COUNTY**

A Thesis

Presented to

**The Faculty of the Department of Environmental Studies
San José State University**

In Partial Fulfillment

of the Requirements for the Degree

Master of Science

by

Lisa A. Nunes

May 2002

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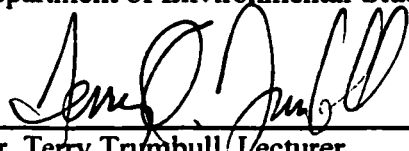
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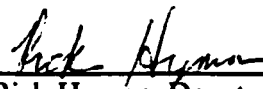
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ABSTRACT

EVALUATION OF LAND CONSERVATION MEASURES FOR NORTH MONTEREY COUNTY

by Lisa A. Nunes

The California Coastal Commission (CCC) and Monterey County have issued a number of permits in North Monterey County requiring conservation easements, offers to dedicate (OTDs), or deed restrictions as conditions of approval. These conservation measures are important in protecting scenic resources, rare or endangered animal and plant species, and sensitive habitats such as riparian areas or wetlands. This study compiled information on the location, effectiveness, and current status of conservation easements, OTDs, and deed restrictions in the coastal zone of North Monterey County, California.

This research was completed by reviewing the information contained in the permit files and performing site visits of properties containing these conservation measures. In addition, interviews were conducted with landowners as well as with staff of the CCC, Monterey County, and the conservation easement holder.

This study found that the CCC, Monterey County, and the conservation easement holder need to develop and implement a program for conservation easements, OTDs, and deed restrictions.

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CHAPTER 1

INTRODUCTION

Background

The California Coastal Commission (CCC)¹ and Monterey County regulate development within the coastal zone according to the policies of the California Coastal Act, the North Monterey County Local Coastal Program (LCP), and California's land use laws.

The Coastal Act, enacted in 1976, contains policies to protect California's coastline. The policies delineate standards to be used by the CCC when reviewing and making decisions about coastal development permits. The policies address public access to the coast, the protection and enhancement of environmentally sensitive habitats, the preservation of scenic coastal resources, and the protection of productive agricultural lands (CCC 2002b).

The Monterey County LCP contains a land use plan and its implementing measures (i.e., zoning ordinances). The land use plan contains the portion of a general plan applicable to the coastal zone which delineates the types, locations, and intensities of land uses, development policies, and the way in which resources will be protected. Where necessary, the implementing actions are listed. The implementing measures are the ordinances, regulations, or programs which implement the provisions of the LCP. Prepared by the County and certified by the CCC in 1988, the LCP provides the County with standards to implement the provisions and policies of the Coastal Act (CCC 2002b).

One way in which these agencies regulate development is through the issuance of permits (Appendix B). Before a landowner commences development, a permit needs to be obtained to ensure that the impacts of the project are evaluated. The landowner applies for a permit with either the CCC or Monterey County, then the agencies review the application for completeness. The agencies write a staff report analyzing the impacts the project may have on certain resources, and recommend denial or approval of the development with conditions. One issue that the staff evaluates through the permit process is whether the development will adversely affect environmental resources. If valuable natural or scenic resources exist on the site, the permit may be approved with special conditions. One condition may require a conservation easement, offer to dedicate (OTD), or deed restriction over a portion of the property to protect sensitive habitats or scenic resources.

To protect these areas, the conservation measures may restrict development over a portion of the property, establish a minimum setback from a sensitive area, or prohibit the removal of certain trees, grasses or other vegetation. Some of these conservation measures serve to protect endangered species habitat, scenic areas, open space, and wetlands. Another benefit of an easement is the protection of valuable resources when property owners change (Peninsula Heritage Land Trust 2000), preserving landowners' interests. For example, if a landowner subdivides the property into two parcels, and the landowner decides to build a home on one parcel and sell the other parcel, an easement may be beneficial in protecting the original landowner's views (Akeman 2000). Another

¹ Appendix A contains a list of acronyms and a glossary

benefit to the landowner is that the easement may lower property taxes. When an easement is placed on a property, the overall value of that property may be lowered, resulting in lower taxes in some cases. Lastly, if the landowner initiates the conservation easement, it may qualify as a tax-deductible gift on Federal income taxes (Peninsula Heritage Land Trust 2000).²

Conservation easements and deed restrictions become effective once the legal documents are recorded, while OTDs are handled differently. An offer is made for a specific term, usually 21 years from the date of recordation. The CCC or public agency issuing the permit containing the offer serves as the guardian for the conservation easement until a responsible agency is able to assume ownership of the easement. Once the offer is accepted by a responsible agency (also referred to as the conservation easement holder in this thesis), the conservation easement becomes effective. If the offer is not accepted within the specified term, it will expire (Landry 2001).

The CCC and Monterey County have issued a large number of permits in North Monterey County, many of which contain special conditions requiring conservation easements, OTDs, and deed restrictions. The CCC was responsible for issuing coastal development permits from 1976 through 1987. In 1988, the County of Monterey assumed responsibility for the issuance of most coastal development permits because its LCP had been certified by the CCC.

² In some cases, a landowner may initiate a conservation easement, restricting the type and amount of development that may take place on the property, to reap some of its benefits (Diehl 1988). The terms and restrictions are negotiated between the landowner and the conservation organization that will monitor and enforce the easement (The Nature Conservancy 2000).

As a preliminary step, this thesis located all conservation easements, OTDs, and deed restrictions in North Monterey County that resulted from the CCC and Monterey County permit processes. To locate the CCC conservation measures, handwritten permit tracking logs at the CCC offices in San Francisco were examined. These logs included all permits issued by the CCC throughout California that generated a recorded document. From the logs, a list was compiled of all permits for the Central Coast relating to conservation easements, OTDs, and deed restrictions. Next, the permit tracking database at the CCC office in Santa Cruz was used to narrow down the list of permits to the North Monterey County area.

To locate Monterey County's conservation measures, the CCC permit tracking database was used as a first step. The database was used to view the coastal development permits issued by Monterey County for the years 1988 – 2000. If the permit was issued for the North Monterey County area, the Final Local Action Notice (FLAN) was pulled to see if a conservation easement or deed restriction was required as a condition of approval.

Preliminary research in locating these conservation measures revealed some concerns about the current status of the conservation easements, OTDs, and deed restrictions. One concern is that the CCC and Monterey County lack information on the location and effectiveness of these conservation measures. Although these agencies have databases containing all permits issued, they do not have the capability to query for the permits that contain conservation easements, OTDs, and deed restrictions.

Another concern is regarding OTDs. The permits containing OTDs usually have expiration dates of 21 years from the date of recordation, with most of the OTDs expiring in the next few years. If the conservation easement that is being offered is not picked up by another agency, such as the Monterey County Department of Parks or the California Coastal Conservancy, the permanent protection afforded by the easement will be lost and the resource left unprotected.

The composition of the permit file may also be a concern. Ideally, the information contained in the permit file, collected at the time the permit is approved, serves as a basis for understanding, monitoring, and compliance with the special condition. This information consists of the staff report, the legal document, and baseline documentation. The staff report and baseline documentation assist the agency in understanding the permitted and restricted uses over the property. In addition, the staff report delineates what needs to be included in the legal document. The legal document, also known as the recorded document, is the binding document. This document assists the property owner in understanding the restrictions over his or her property. If, for example, the legal document is not clearly drafted, the landowner may not be clear on the restrictions, increasing the chances of not being in compliance with the conditions of the permit.

The information in the permit file also allows for the monitoring of the parcel in the future. Ideally, a monitoring plan would include a yearly site visit to observe whether or not the property owner is in compliance with the special conditions of the permit. If a

file is not complete, or documents are poorly drafted, the agency will not have the information it needs to adequately monitor the property.

Another concern is that many property owners may not be aware that there is a conservation measure on their property, or they may have a negative relationship with either the CCC, Monterey County, or the conservation easement holder. If the property owner is not knowledgeable of the restriction over his or her property, or if the landowner has a negative relationship with either agency, the protected resources on the property may be adversely affected.

The last element that may be problematic is that the agencies may not be monitoring or enforcing their conservation easements, OTDs, and deed restrictions. Without monitoring, the agencies do not know whether the resources on the property are being protected. And if violations are not being enforced, landowners may knowingly not comply with the conditions of their permit.

Objectives

This thesis compiled information on the location, effectiveness, and current status of conservation easements, OTDs and deed restrictions held by the CCC and Monterey County, as well as makes recommendations for the improved use and management of these conservation measures. In particular, the advantages and disadvantages of each conservation measure are identified, and a determination was made whether one measure should be favored over the other in certain situations.

What follows is a list of thesis objectives and related questions:

- 1) **To conduct an analysis of the information contained in the permit files for conservation easements, OTDs, and deed restrictions.**
 - *What critical information is missing from some permit files?*
 - *Is a well documented permit file for a conservation easement, OTD, or deed restriction more effective in protecting resources?*
- 2) **To determine the current status of the relationship between the property owner and either the CCC, Monterey County, or the conservation easement holder.**
 - *Is a positive relationship between the property owner and either the CCC, Monterey County, or the conservation easement holder more effective in protecting resources?*
- 3) **To evaluate the effects of ownership changes on conservation easements, OTDs, and deed restrictions.**
 - *Are conservation easements, OTDs, and deed restrictions that have changed ownership one or more times less effective in protecting resources?*
- 4) **To determine the monitoring protocol by the CCC, Monterey County, and the conservation easement holder for conservation easements, OTDs, and deed restrictions.**
 - *Are conservation easements, OTDs, and deed restrictions that are monitored on a regular basis more effective in protecting resources?*
 - *If monitoring plans are not in place, what are these agencies doing to ensure that the resources are being protected?*

- *What obstacles do these agencies face in developing and implementing a monitoring plan for conservation easements, OTDs, and deed restrictions?*

5) To discover how the CCC, Monterey County, and the conservation easement holder handle non-compliance with terms and conditions of permits associated with conservation easements, OTDs, and deed restrictions.

- *Are agencies that have an enforcement program in place for conservation easements, OTDs, and deed restrictions more effective in protecting resources?*
- *If enforcement plans are not in place, what are these agencies doing in the way of enforcement if a violation concerning conservation easements, OTDs, and deed restrictions arises?*
- *What obstacles do these agencies face in developing and implementing an enforcement plan for conservation easements, OTDs, and deed restrictions?*

6) To develop a set of recommendations for the use and management of conservation easements, OTDs, and deed restrictions.

- *How can the documentation of conservation easements, OTDs, and deed restrictions be improved?*
- *How can the monitoring and enforcement of conservation easements, OTDs, and deed restrictions be improved?*
- *What are the advantages and disadvantages of each conservation measure?*

- *Is the use of one conservation measure favored over the other? Determine whether there are certain situations in which one measure should be favored over the other?*

CHAPTER 2

RELATED RESEARCH

Several studies have been conducted to analyze conservation easements, most of which focus on conservation easements held by nonprofit organizations. The studies that focused on conservation easements held by public agencies grouped all of the public agencies together rather than concentrated on individual agencies. Few studies have been conducted for deed restrictions, and no studies were found regarding OTDs. Because conservation easements are similar to deed restrictions and OTDs, and the studies conducted on easements were more pertinent to this thesis, this literature review will only examine the studies conducted for conservation easements.

Press (2000) conducted an analysis of conservation easements and agricultural easements held by The Nature Conservancy (TNC), a nonprofit organization. The contracts of 14 easements on 11 different properties were examined for consistency and patterns and to see whether they contained restricted and permitted uses, rights and remedies, taxes, notices, binding, interpretations, indemnification, and baseline information. Baseline information consisted of a geological and biological survey conducted at the time of grantee acquisition. Each of these components were examined for the 14 easements, describing in detail what was discovered. In addition, similarities and differences were illustrated among the 14 easements.

After reviewing the easement documents, Press developed a set of recommendations for effective management of conservation easements. He concluded that an effective plan for conservation easements should include clear management goals

and provisions for how the goals can be achieved, as well as a monitoring plan to identify biological and physical trends within the easement. He described how an effective management plan should include an initial baseline assessment of the easement. Using these criteria, a sample of TNC easements were reviewed and evaluated on the quality of their baseline data and monitoring plans. He indicated the importance of having a regular monitoring plan in place to ensure that the goals of the easement are being achieved.

Press conducted twelve landowner interviews to learn about landowner perceptions of TNC easements. A series of eight questions were asked and the responses were examined to determine whether landowners and/or managers were satisfied with TNC's management of the easement properties. The responses were also used to discover what TNC could do to improve relationships with landowners and managers. He suggested that high levels of satisfaction are likely to reflect an easement's ability to preserve open space into the future.

This thesis utilizes the component of Press' study concerning the examination of easement contracts. Like Press, this study verifies whether the information in the permit file for conservation easements, OTDs, and deed restrictions contained a biological survey and restricted and permitted uses. Like Press, this study incorporates interviews with landowners to learn about landowner perceptions of their conservation easements, OTDs, and deed restrictions. The responses are examined to determine whether landowners were satisfied with the conservation measure over their property. Although Press suggests that high levels of satisfaction are likely to reflect an easement's ability to preserve open space into the future, his study does not attempt to prove this.

Guenzler (1999) studied 315 conservation easements held by land protection agencies in the San Francisco Bay Area. One hundred and thirty eight of these easements were held by nonprofit agencies such as land trusts while the remaining 177 easements were held by public agencies such as local parks, state agencies, federal agencies, utility companies, and universities. A detailed questionnaire was mailed to these agencies and personal interviews were conducted with staff of certain organizations to understand the current status of easement use, monitoring, and enforcement in the Bay Area.

Guenzler's study identified the usage of baseline documentation for conservation easements. Baseline documentation is a collection of materials that illustrate the characteristics and conditions of the easement property at the time the easement is created. Some examples of baseline documentation are maps of the property, a description of the property, and photographs. It was found that 40% of the Bay Area easements did not have baselines. Broken down by organizational type, nonprofit organizations did not have baselines for 28% of their easements, local public agencies did not have baselines for 42% of their easements, and 91% of state and federal agency easements did not have baseline documents.

Guenzler examined the monitoring protocol for the various organizations. She discovered that 51% of the region's easements were monitored. Breaking this percentage down a little further, nonprofits monitored 75% of their easements while public agencies monitored 30% of their easements. An easement was considered monitored if three or more monitoring tasks had been performed on the property in the past year. Some examples of monitoring tasks were preparing a written report, walking the property,

taking on-site photographs, and comparing the current status of the property to the baseline documentation. Some of the obstacles to monitoring included a lack of resources, principally the lack of funding. This lack of funding, in turn, led to the lack of time or staff to perform this function. In many cases, monitoring was a low priority when compared to conserving unprotected land. In addition, the study discovered the various ways in which properties were managed and who was involved in performing the monitoring, whether it was paid staff, volunteers, or both.

The enforcement of easements was analyzed in Guenzler's study as well. Enforcement is needed when the terms of the easements have been violated. It was discovered that forty-three of the 315 easements, accounting for 14% of the region's easements, had been violated. Out of the nonprofit organizations' 130 easements, they located approximately twenty-eight violations. Out of the local public agencies' 185 easements, they had found approximately fifteen violations. Some examples of the types of violations discovered were exotic species proliferation, boundary relocation, and construction of buildings or structures. Guenzler established that most of the violations were being discovered through monitoring.

As a result of the study, Guenzler formulated recommendations for individual organizations and for the land conservation community, both public and private. She suggested that high standards need to be set for easements and monitoring programs, and that the monitoring and enforcement activities be based on the easement document. Baseline documentation needs to be established, and the easements need to be evaluated on whether they are accomplishing the conservation goals.

This thesis incorporates the components of Guenzler's study regarding the examination of baseline documentation and the monitoring protocol. Although Guenzler studied easement violations, she did not determine the enforcement protocol for the various organizations. This thesis investigates whether a monitoring and enforcement plan was in place by the CCC, Monterey County, and the conservation easement holder for their conservation easements, OTDs and deed restrictions. A determination was made on what was being done, how much staff time was devoted to the task, and the obstacles each agency faced in monitoring and enforcement.

Although Guenzler studied conservation measures held by public agencies, she grouped all of the public agencies together. This thesis primarily focused on two agencies, the CCC and Monterey County. Because this research was focused on two agencies, this thesis determines whether the purpose of the conservation measure supported the objectives of the Coastal Act and the Monterey County LCP.

Currently, Guenzler is assessing the use and management of easements held by public agencies that accept easements for regulatory purposes. She is focusing on State, regional, and local public agencies located in the San Francisco Bay Area. Some of the goals of her study are as follows (Guenzler 1998):

- Describe the characteristics of easements created by regulatory processes (e.g., number, purpose, location, legal requirements)
- Develop a process for identifying and prioritizing the easements held by public agencies

- Identify the resources needed for monitoring and enforcement and develop recommendations for monitoring and enforcement for public agencies

Guenzler is also currently working on a study to develop a model stewardship program for conservation easements. She will be working with three nonprofit organizations to implement generic stewardship models. To achieve her goals, Guenzler will be examining easement drafting, baseline documentation, landowner relations, and enforcement policy (Guenzler 2001).

Boelhower (1995) conducted a study on 263 conservation easements in Maine, New Hampshire and Vermont that protect working forest lands. The goals of the study were to: 1) examine the history of conservation easements on working forest lands; 2) assess the protection approaches currently in use; and 3) evaluate what is working and what needs to be changed to ensure that conservation easements prevent development and provide for sustainable forestry.

The first component of the study was conducted to gather information about the landowners' management goals and practices, the cultural and natural resources of the land, landowner demographics, and easement restrictions. To obtain this information, a questionnaire was sent to the landowners of 497 easements. Each easement had at least 25 acres of forested and allowed commercial timber harvesting. Two hundred and sixty three landowners responded. The results of the study indicated that most landowners understand and comply with the terms of their easements. Many landowners follow written management plans for the easement, but that easement monitoring and communication with landowners could be improved.

The second component of the study determined the types of restrictions commonly used on easements allowing commercial forest management and identified the problems experienced with easement requirements. To collect these data, a questionnaire was sent to the 89 agencies that held the 497 easements of 25 acres or more on working forest lands. These agencies included private non-profit organizations, local communities, county and state agencies, and the federal government. Forty agencies responded. This part of the study identified the type of forest management plan each organization used. It also explained some of the restrictions commonly used with easements, such as easements requiring selective cutting or providing additional restrictions on harvesting (i.e. prohibiting clear cutting). Some of the problems with easements included: 1) problems with the requirement of management plans; and 2) problems with the interpretation of the forestry provisions of the easement.

The third component of the study was designed to learn about forest management practices, principally within problem areas. Out of the 263 easements, three were selected to provide qualitative information about forest management practices within problem areas. The landowners were interviewed regarding their satisfaction with the easement and to discover any problems they were experiencing with the easement or easement holder. In addition, the site was inspected to evaluate the forest management practices and goals for the easement. Of the three parcels investigated, all were reported to be problematic by the landowner, the easement holder, or both parties. All easements were managed according to a specific plan for the site, but the plan may not have been written nor approved by the easement holder. One of the properties was in violation of

the terms of the easement while the two remaining properties were considered to be a source of concern for the easement holders.

Boelhower concluded that the easements on managed forest lands appear to be working well for now. She credits this to the fact that approximately 80% of the easements were owned by the initial landowners and that these people were likely to have a greater concern for the protected area. In addition, the quality of management on properties containing easements was very high. She did indicate some of the problems concerning the easements. For example, she found that the easement agreements did not maintain a balance between resource protection and resource use.

Like Boelhower's study, this thesis evaluates what is working and what needs to be changed concerning the documentation, monitoring, and enforcement of conservation easements, OTDs, and deed restrictions. As in Boelhower's study, this thesis discovers whether landowners understand and comply with the terms of their conservation measures. Although Boelhower credits the landowner's understanding and compliance to the fact that approximately 80% of the easements are owned by the initial landowners, her study does not attempt to prove this. This thesis evaluates the effects of ownership changes on conservation easements, OTD's, and deed restrictions and determines whether conservation measures that have changed ownership one or more times are less effective in protecting resources.

Elconin and Luzadis (1997) conducted a study of conservation easements and agricultural preservation restrictions held by four private nonprofits and one state agency in northeastern United States. The objectives of the study were to assess the original

grantors' motivations for granting the conservation easement or agricultural preservation restriction and to learn of their satisfactions with the conservation restrictions. The study also determined the level of successive landowner satisfactions with their conservation restrictions. Lastly, the study compared satisfaction between original grantors and successive landowners. To achieve these goals, questionnaires were mailed to 349 landowners.

The study indicated that landowners granted easements because of their feelings of personal attachment, stewardship, and community ethics. In general, original grantors were highly satisfied with their restrictions. Many of the landowners possessed pro-environmental attitudes and viewed their conservation restrictions as protecting valuable resources. Successive landowners were also highly satisfied with their conservation restrictions, especially with how, when, and what they learned about the restrictions prior to property acquisition. There were no significant differences between donors and sellers, or between heirs and buyers with regards to environmental attitudes, motivations, and satisfactions with the restrictions. Original grantors and successive landowners, though, had significantly different ($p < 0.05$) satisfactions, with original grantors being more satisfied.

As in the study conducted by Elconin and Luzadis, this thesis determines original and successive landowner satisfactions with conservation measures. Elconin and Luzadis' study indicated that original and successive landowners were highly satisfied with the conservation restrictions. In Elconin and Luzadis' research, nonprofit organizations were evaluated where landowners grant the easement. Landowners grant

easements because of their feelings of personal attachment, stewardship, and community ethics, thus being more likely to be satisfied with their conservation restriction. This thesis evaluates landowner satisfaction for conservation measures held by regulatory agencies, conservation measures that are not granted by a landowner, but required as a part of the permit process, thus possibly evoking different levels of satisfaction.

Although Elconin and Luzadis' study determined original grantor and successive landowner satisfactions, it did not establish whether a high level of satisfaction resulted in more effective resource protection. This thesis attempts to determine whether a positive relationship between the property owner and either the CCC, Monterey County, or the conservation easement holder is more effective in protecting resources.

The information collected by this thesis enhances the existing research on conservation easements, OTDs, and deed restrictions. In addition, the CCC and Monterey County, as well as regulatory agencies, city and county planning departments, and nonprofit agencies, such as land trusts, will benefit from this research.

CHAPTER 3

METHODS

Study Site

This study was conducted in the coastal zone of North Monterey County, California, approximately 100 miles south of San Francisco. The portion of North Monterey County located within the coastal zone extends from the Santa Cruz county boundary along the Pajaro River to the northern boundary of the City of Marina and inland nearly to highway 101 (Figure 1). The study area thus includes much of the Elkhorn and Moro Cojo Sloughs drainage areas (Monterey County Planning Department 1982). The area also contains other wetlands such as Bennett Slough, Struve Pond, Old Salinas River Channel, and the Salinas Lagoon. Broad beaches and sand dunes are found in North County, and to the east of Elkhorn Slough, the hills and small canyons are inhabited by oak and chaparral (Monterey County Planning Department 1981). The conservation easements, OTDs and deed restrictions for North Monterey County have been primarily found in the communities of Moss Landing, Castroville, Aromas and in the Elkhorn Slough area.

The majority of land in North Monterey County is in agricultural, open space, or low density rural residential use. The area also contains recreation and visitor-serving facilities as well as a low level of commercial development. The area is home to the Moss Landing Power Plant (Monterey County Planning Department 1981).

The main economic activity for North Monterey County is agriculture. Row crops are farmed in the Pajaro Valley, Salinas Valley, and Springfield Terrace, while the cultivation of artichokes and strawberries can be found in the upland areas of Moro Cojo Slough, Elkhorn Slough, and the sandy hill areas east of Elkhorn Slough (Monterey County Planning Department 1981).

Most of the residential uses are low density for North Monterey County, given that the area contains wetlands, dunes, and agricultural land. Low density development is defined as 2.5 – 10 acres per unit. Very low density housing can be found in the more rural agricultural areas. Higher density housing (5 – 10 units per acre) occurs in Las Lomas, Fruitland, Oak Hills, and a few other locations (Monterey County Planning Department 1981).

The recreation and visitor-serving facilities are concentrated in Moss Landing. These facilities consist of antique shops, restaurants, docks and piers used for fishing, and Moss Landing Harbor. Three State beaches and sand dunes provide natural recreational areas. The three beaches are Zmudowski State Beach, Moss Landing State Beach, and Salinas River State Beach (Monterey County Planning Department 1981).

Elkhorn Slough, one of the largest and most important wetland systems in California, is the primary natural feature in the area. It provides habitat for nearly 300 resident and migratory birds, including several rare and endangered species, such as the brown pelican (*Pelecanus occidentalis*), snowy plover (*Charadrius alexandrinus*) and peregrine falcon (*Falco peregrinus*) (Elkhorn Slough Foundation 2000). Some of the threatened and endangered animals and insects for the area include the southern sea otter

(*Enhydria lutris nereis*), the Santa Cruz long-toed salamander (*Ambyssstoma macrodactylum croceum*), and the Smith's blue butterfly (*Euphilotes enoptes smith*) (Maki 2001a).

The brown pelican is a post-breeding visitor from Mexican and southern California nesting sites. It generally arrives around early May, sometimes early April, and a large roost has been established in abandoned salt ponds at Moss Landing. The snowy plover breeds on sandy beaches and salt flats. Snowy plovers nest in the Moss Landing salt ponds located at the Salinas River mouth. Some of the breeding plovers are resident, while others leave the county during the winter. Migrants from other areas arrive in early July and are gone by late March to late April. The peregrine falcon has a tiny breeding population for the area, but has migrants that appear in the winter from September through May. They are mostly found at the Elkhorn Slough and the Salinas River Mouth (Reberson 1985).

The Elkhorn Slough also contains over 400 terrestrial plant species, fragile sand dunes near the slough's mouth in Moss Landing, pickleweed marshes along the slough's main channel, coastal prairies, shady oak woodlands, coastal sage scrub, and maritime chaparral (Elkhorn Slough Foundation 2000). Some of the plants found in the area include pickleweed (*Salicornia virginica*), wild mustard (*Brassica nigra*), coyote brush (*Baccharis pilularis*), and coast live oaks (*Quercus agrifolia*) (Kozloff 1994). Some of the threatened and endangered plants in the area include the Santa Cruz tarplant (*Holocarpha macradenia*) and the Rein orchid (*Habenaria unalaschensis*) (Morgan 2001).

Study Design

For this study, all conservation easements, OTDs and deed restrictions in North Monterey County for the time period 1976 – 2000 were identified. Monterey County required 91 conservation easements while the CCC required 10 conservation easements, 11 OTDs, and 14 deed restrictions. The conservation measures were then categorized according to whether the properties had undergone ownership changes or had not changed hands since the inception of the permit. From each of these two categories, an attempt was made to randomly select five permits issued for development that contained conservation easements, five that contained OTDs, and five that contained deed restrictions for a total of 30 permits.

The numbers of permits used in this research needed to be adjusted because of the limited data available, and the discovery that some of the legal documents had not been recorded. The recordation of the conservation measure serves to notify subsequent landowners of the restriction, and in the case of the OTD, it allows the conservation easement to be picked up by another agency (Landry 2001). If a legal document has not been recorded, the conservation easement, OTD, or deed restriction does not exist. As a result, the following permits were used in this research: 5 conservation easements that had changed ownership and 5 conservation easements that had not changed ownership; 5 OTDs that had changed ownership and 4 OTDs that had not changed ownership; 6 deed restrictions that had changed ownership and 4 deed restrictions that had not changed ownership; for a total of 29 permits (Appendix C).

Based on a combination of the investigator's preliminary research and the literature review, the conservation measures were evaluated. The information in the 29 permit files was reviewed to determine the critical information missing from some files. A well documented permit file will be assumed to be more effective in protecting the resources. Site visits were then conducted for five of the well documented files and for five of the poorly documented files to determine whether the resources over the property had been protected.

From among the 29 permits examined, six permits for properties that have changed ownership one or more times (2 easements, 2 OTDs and 2 deed restrictions), and six permits for properties that have not changed ownership (2 easements, 2 OTDs and 2 deed restriction) were randomly selected. Because of the lack of participation from landowners, only results from the following permits could be obtained for this phase of research: 2 conservation easements that had changed ownership and 2 conservation easements that had not changed ownership; 2 OTDs that had changed ownership; 2 deed restrictions that had changed ownership and 1 deed restriction that had not changed ownership (Appendix C).

Interviews for these nine permits were conducted to determine the current status of the relationship between the property owner, and either the CCC, Monterey County, or the conservation easement holder (Diehl and Barrett 1988). A good relationship in this study consists of the agency building rapport through visits, phone calls, or letters to clarify the terms of the agreement and encourage adherence to these terms. Another component of a good relationship in this study is a positive attitude on behalf the

landowner towards the easement, OTD, or deed restriction over his or her property. A landowner who possesses a good relationship with either the CCC, Monterey County, or the conservation easement holder is assumed to be less likely to violate the terms and conditions of the permit, thus being more effective in protecting resources.

The results from the interviews were also used to evaluate the effects of ownership changes on these conservation measures. Conservation easements, OTD's, and deed restrictions that have changed ownership one or more times are assumed to be less effective in protecting resources. If the property has changed hands one or more times it is assumed that landowners will not be aware of the conservation measure over their property and/or not be as aware of the terms of the easement, OTD or deed restriction.

In addition to the interviews, site visits of these properties were performed to determine whether the resources over the property had been protected. The site visits revealed whether the property owner adhered to the terms and conditions of the permit. If the landowner participated in a telephone interview, the site was viewed from a public location. For all sites, aerial photos were used.

To assess the past and present management of these conservation easements, OTDs, and deed restrictions, the monitoring and enforcement history for the sites was determined and the results of the fourteen site visits were utilized to see whether the resources over the conservation area had been protected. The monitoring and enforcement of conservation measures is vital to ensuring that the property owner adheres to the terms of the contract (Diehl and Barrett 1988). Conservation easements, OTDs and

deed restrictions that are monitored on a regular basis are assumed to be more effective in protecting resources. A property owner is assumed to be less likely to violate the terms of the conservation easement if the owner knows that a representative from the easement holding agency will be visiting the property on a regular basis (Diehl and Barrett 1988). Agencies that have an enforcement component in place to handle non-compliance with terms and conditions of permits are assumed to be more effective in protecting resources.

Effectiveness in this study is defined as whether the provisions in reference to the conservation easement, OTD, or deed restriction, contained in the legal document, had been met. Site visits and aerial photos taken in 2001 were used to determine whether the provisions had been met. Effectiveness was determined according to the disturbance on the conservation area. Disturbance is defined as the erection of any structure (i.e. shed, fence), the removal of protected vegetation, or any other alteration to the area (i.e. trail building, grading). A limitation in assessing effectiveness is that a detailed baseline did not exist for these files. In some cases, landowners claimed that certain disturbances already existed on the property prior to their acquisition of the land. Because the baseline cannot support or deny these comments, effectiveness in this research was based on all disturbances presently found on the property. A scale from 3 to 0 was developed to rate effectiveness as follows: a score of 3 was given if there was no disturbance in the conservation area; a score of 2 was given if there was one type of disturbance; a score of 1 was given if there were two or more types of disturbances; a score of 0 was given if there were three or more types of disturbances or if the area had been graded (because grading is so severe, this would automatically constitute a score of 0).

Data Collection

I. Permit File Assessment

One of the documents in the permit file examined was the staff report to see whether the purpose of the conservation easement, OTD, and deed restriction supported the objectives of the Coastal Act and/or the Monterey County Local Coastal Program (LCP). To accomplish this goal, the objectives of the Coastal Act and LCP as they pertain to the protection of natural and scenic resources were discovered (Appendix D and E). A determination was then made of whether the description of the purpose of each conservation easement, OTD, and deed restriction, as described in the staff report, satisfied the objectives of the Coastal Act and/or LCP. The criteria used for ranking this information is as follows: a score of 1 was given when the purpose of the conservation measure satisfied the objectives of the Coastal Act and/or LCP; a score of 0 was given when the purpose of the conservation measure did not satisfy the objectives of the Coastal Act and/or LCP.

The permit files were also examined to see whether they contained certain surveys, maps, and photo documentation that would serve as a basis for future monitoring of the land conservation measure. Every permit should contain a biological survey of the property conducted at the time of recordation (Press 2000). It should also contain a map of the property delineating existing and proposed structures and the area to be protected by the conservation easement, OTD, or deed restriction. The permit file also must include a map indicating the location and type of vegetation, specifying the position of rare or endangered plant species or animal breeding areas. It also needs to include an

aerial photo and on-site photographs of the conservation area (Thornton and Anderson 1998). In order to rank the information in the permit file, a numerical value was assigned according to what was present in the file. One point was given for each of the following items found in the file (up to a score of 6): biological survey; map delineating existing structures; map showing proposed structures; map delineating area to be protected; aerial photo of site; on-site photos of conservation area. A score of 0 was given when none of the above information was present in the file. The vegetation maps indicating the location of vegetation were scored as follows: a score of 2 was given when all of the vegetation was delineated; a score of 1 was given when only some of the vegetation was delineated or the vegetation was described only in text; a score of 0 was given when no map was found in the file to indicate the location of vegetation. The vegetation maps showing the type of vegetation were scored as follows: a score of 2 was given when all of the vegetation was identified; a score of 1 was given when only some of the vegetation was identified; a score of 0 was given when no vegetation map was found in the file to indicate the type of vegetation.

Another component of the permit file examined was the legal document. The legal document was examined to see whether it contained a clear description of what the conservation measure served to protect and a map delineating the conservation area. In order to rank this component, a numerical value was assigned according to what was present in the description of the conservation measure. One point was given for each of the following items found in the description (up to a score of 4): identification of the resource(s) protected; description of how the resources will be protected (i.e., the

permitted and restricted uses over the property); protected area described in text; map delineating protected area. A score of 0 was given when none of the above items were present in the description.

In addition to inspecting whether the legal documents contained a clear description of what the conservation measure served to protect, the description was compared to the special condition of the staff report relating to the conservation measure. The criteria used for ranking this information is as follows: a score of 1 was given when the description of what the conservation measure served to protect in the legal document corresponded with the special condition in the staff report; a score of 0 was given when the description of what the conservation measure served to protect in the legal document did not correspond with the special condition in the staff report.

Site visits were conducted for five permits that possessed well documented files and for five permits that possessed poorly documented files. A well documented file had a score of 12-14 while a poorly documented file was identified as having a score of 7-9. In these site visits, the area being conserved was investigated by foot to discover whether the conditions of the conservation measure had been met. During these site visits, notes and photographs were taken. In addition, aerial photos taken in 2001 were used.

II. Landowner Relationships / Ownership Changes

In order to assess the present relationship between the property owner and the public agency, and the effects of ownership changes on conservation easements, OTDs, and deed restrictions, eight in-person interviews and one telephone interview were conducted. Three interviews were for properties that had not changed hands, and six

were for properties that had changed ownership one or more times. Letters were sent to landowners, asking them to participate in the research, and phone calls were made to landowners not responding to the letter. In contacting the landowners over the phone, the researcher was identified as a graduate student at San José State University. The nature of the research was explained and the landowners were told that there was a conservation measure over their property. The landowners were then asked whether they were aware of the conservation easement, OTD, or deed restriction over their property. The researcher then asked for permission to conduct an in-person interview and take a tour of the area delineated for conservation. If a landowner did not wish to participate, other landowners meeting the same conditions were selected. If no other landowners could be found, landowners were called back and asked to participate in a telephone interview. Landowners who responded as being aware of the conservation measure over their property and were willing to participate in an in-person interview were asked the following questions (Press 2000):

- 1) What do you understand the terms and conditions of your conservation easement /OTD /deed restriction to be?
- 2) Do you have a copy of the legal document pertaining to the conservation easement/OTD/ deed restriction?
- 3) In reading the provisions of the legal document in reference to the conservation easement/OTD/ deed restriction, are you clear about the permitted and restricted uses over your property? (After furnishing a copy of the legal document to the landowner).

- 4) Have you ever been approached by the Coastal Commission, the conservation easement holder, or Monterey County about the conservation easement/OTD/ deed restriction? In what way (telephone call, correspondence, personal visit)? For what purpose?
- 5) Have you noticed any benefits about the conservation easement/OTD/ deed restriction?
- 6) Is there anything that you dislike about the conservation easement/OTD/ deed restriction?
- 7) Is there anything else concerning the conservation easement/OTD/ deed restriction that you would like to comment on?
- 8) Do you mind if I call you for follow up questions?

Landowners who responded as not being aware of the conservation measure over their property and were willing to participate in an in-person interview were asked the following questions (Press 2000):

- 1) Do you have a copy of the legal document pertaining to the conservation easement/OTD/ deed restriction on hand?
- 2) In reading the provisions of the legal document in reference to the conservation easement/OTD/ deed restriction, are you clear about the permitted and restricted uses over your property? (After furnishing a copy of the legal document to the landowner).
- 3) Have you ever been approached by the Coastal Commission, the conservation easement holder, or Monterey County about the conservation easement/OTD/

deed restriction? In what way (telephone call, correspondence, personal visit)? For what purpose?

- 4) Are there any potential benefits to having an conservation easement/OTD/ deed restriction over your property?
- 5) Is there anything that you dislike about the conservation easement/OTD/ deed restriction?
- 6) Is there anything else concerning the conservation easement/OTD/ deed restriction that you would like to comment on?
- 7) Do you mind if I call you for follow up questions?

The landowners who did not wish to participate in an in-person interview, but agreed to participate in a telephone interview were asked the following questions:

- 1) Were you aware of the conservation easement/OTD/ deed restriction on your property before I contacted you?
- 2) Do you have a copy of the legal document pertaining to the conservation easement/OTD/ deed restriction?
- 3) Are you clear about the permitted and restricted uses in the area containing the conservation easement/OTD/ deed restriction? What do you understand them to be?
- 4) Have you ever been approached by the Coastal Commission, the conservation easement holder, or Monterey County about the conservation easement/OTD/ deed restriction? In what way (telephone call, correspondence, personal visit)? For what purpose?

The responses to the above questions were recorded on note paper and a tape recorder was used for the in-person interviews. What was said, and the manner and tone in which it was said was noted. In addition, body language and facial expressions were observed to discover how the landowner felt about the easement, OTD, or deed restriction over their property. For example, it was assumed that someone who is upset about the conservation measure over their property would speak in a more aggressive tone or indicate their displeasure in their facial gestures by frowning or raising their eyebrows.

To determine the current status of the relationship between the property owner and either the CCC, Monterey County, or the conservation easement holder, interaction with either agency, benefits and dislikes about the conservation measure, and the manner, tone, body language, and facial expressions were observed. A positive relationship was assumed to be present if the landowner had been contacted by either agency, or if many positive benefits were mentioned coupled with a positive attitude from the landowner (i.e. smiling, laughing, calm manner). A negative relationship was assumed to be present if strong dislikes were mentioned coupled with a negative attitude from the landowner (i.e. apprehension, hesitation, serious, little or no smiling).

To evaluate the effects of ownership changes on these conservation measures, whether the landowner was aware of the easement or not, what the landowner understood the terms and conditions to be, whether the landowner had a copy of the legal document, and whether the landowner was clear about the permitted and restricted uses over the property (after furnishing them with a legal document) were observed.

In addition to the interviews, the sites were surveyed to discover whether the property owner had adhered to the terms and conditions of the easement, OTD or deed restriction. If the landowner participated in a telephone interview, and permission was not granted to examine the property, the site was viewed from the nearest public road. For all participants, recent aerial photos of their properties were used.

III. Monitoring and Enforcement

An investigation was conducted to determine whether a monitoring and enforcement plan was in place by the CCC, Monterey County, or the conservation easement holder for their conservation easements, OTDs and deed restrictions. A determination was made on what is being done, how much staff time is devoted to the task, and the obstacles each agency faces in monitoring and enforcement (Guenzler 1999). To collect this data, in-person interviews with staff of the Coastal Commission, the easement holder, and Monterey County were conducted. The following questions were asked:

- 1) Is there a monitoring plan in place for conservation easements, OTDs, and deed restrictions?
 - a. When did this plan become effective
 - b. What does this plan contain?
 - c. How much staff time is devoted to the monitoring of conservation easements, OTDs, and deed restrictions?
- 2) If a monitoring plan is not in place, has a plan been in place in the past?

- 3) If a monitoring plan is not in place, what is being done to ensure that the resources are being protected?
- 4) What obstacles does your agency face in developing and implementing a monitoring plan for conservation easements, OTDs, and deed restrictions?
- 5) Is there an enforcement plan in place for conservation easements, OTDs, and deed restrictions?
 - a. When did this plan become effective
 - b. What does this plan contain?
 - c. How much staff time is devoted to the enforcement of conservation easements, OTDs, and deed restrictions?
- 6) If an enforcement plan is not in place, has a plan been in place in the past?
- 7) If an enforcement plan is not in place, what is being done in the way of enforcement if a violation concerning conservation easements, OTDs, and deed restrictions arises?
- 8) What obstacles does your agency face in developing and implementing an enforcement plan for conservation easements, OTDs, and deed restrictions?

The in-person interviews were tape recorded and the information collected from these interviews recorded on note paper. In addition, the information collected from the landowner interviews was used to see whether the landowner had been contacted by either agency, and the site surveys were used to determine whether the resources described in the contract were protected.

Data Analysis

The interpretation of the data in this research contained both quantitative and qualitative methods. Qualitative methods were used in the examination of the information contained in the permit files and charts were used to describe what was discovered in the files.

Quantitative and qualitative methods were used to interpret the landowner interviews. The responses to the questions were arranged in a chart and an in-depth description of the following cases was performed: 1 permit possessing a positive relationship and a high effectiveness score; 1 permit possessing a positive relationship and a low effectiveness score; 1 permit possessing a negative relationship and a high effectiveness score; and 1 permit possessing a negative relationship and a low effectiveness score. Trends were observed to determine whether a positive relationship between the landowner and either the CCC, Monterey County, or the conservation easement holder were more effective in protecting resources.

The “method of agreement” was used to interpret the data obtained to evaluate the effects of ownership changes on the effectiveness of the conservation measures. With the method of agreement, the researcher focuses on what is common across cases. In establishing that the cases have a common outcome, an attempt is made to locate a common cause, although other components of the cases may differ. The primary causal features are then noticed, leading to the argument that despite the differences, the important similarities exist (Neuman 1991). The method of agreement was applied to the landowner interviews and also to the discoveries made through site visits, expecting

to discover that conservation easements, OTDs and deed restrictions that had changed ownership one or more times were not as effective in protecting resources.

The “method of agreement” was also used to interpret the data regarding the monitoring and enforcement of easements, OTDs and deed restrictions. For the monitoring, the data obtained from landowner interviews and from the interviews with staff of the CCC, Monterey County, or the conservation easement holder, were used. For the enforcement, the data collected from the interviews with staff of the preceding agencies were used. It is anticipated that if the agency had monitoring and enforcement plans in place for these conservation measures, the resources would be more effectively protected.

CHAPTER 4

RESULTS

Permit File Assessment

Twenty nine permit files were reviewed to determine whether they contained certain components. The files were first reviewed for content (Table 1) and then assigned scores based on the file's contents (Table 2). Lastly, the scores were broken down categorically by individual permit file components and type of conservation measure (Table 3). For anonymity purposes, the permit numbers were changed. The permit numbers were identified according to which agency issued the permit and the year in which the permit was issued (e.g. CCC-84-A was a permit issued by the CCC in 1984; MCO-90-B was a permit issued by Monterey County in 1990). The results from the permit file assessment identify the raw scores followed by qualitative analysis. In addition, the effectiveness of five of the well documented and five of the poorly documented files was determined.

The first document of the permit file examined was the staff report to see whether the purpose of the conservation easement, OTD, or deed restriction supported the objectives of the Coastal Act and/or the Monterey County LCP. Of the 29 permits, all of the descriptions in the staff report supported the objectives of the Coastal Act and/or the Monterey County LCP. Therefore, they all received a score of 1 (Tables 2 and 3). Although they all received a score of 1, the content of the descriptions varied. In some cases, it was easier to discern the policies that were supported by the conservation measure, because the description matched the policy. For example, if a description was

to protect an environmentally sensitive riparian habitat along a creek, there were specific policies regarding riparian habitats and environmentally sensitive areas. In other cases, it was not clear why an area was being protected, making it difficult to discern what policies were supported by the conservation measure. For example, if a description was to protect areas where the slope is 25% or greater, but no features were mentioned, it was unclear whether the measure was only imposed because of the steep slopes, or if it was also protecting sensitive vegetation such as oaks or maritime chaparral.

The permit files were also examined to see whether they contained certain surveys, maps, and photo documentation that would serve as a basis for future monitoring of the land conservation measure. It was discovered that 11 files contained a biological survey while 18 did not. Therefore eleven files received a score of 1 and eighteen files received a score of 0 (Tables 2 and 3). Most of the biological surveys identified the types and locations of vegetation, rare and endangered animal or plant species, an impact assessment of the proposed project, and suggested mitigations. Other reports also observed wildlife and wildlife habitat. Some of the reports did not identify the location of the vegetation, while others did not assess the impacts of the proposed project and suggest mitigations. One file contained a one page biological survey that was not very detailed. Few biological surveys contained maps delineating observations.

In addition to the surveys, maps in the permit files delineating existing and proposed structures on the property were examined. The research revealed that 28 permit files contained maps with existing structures while 1 did not. Therefore, twenty-eight files received a score of 1 and one file received a score of 0 (Tables 2 and 3). If there

were no existing structures on the property, and a map was found showing no structures, the file received a score of 1. In a few cases, if there were no existing structures on the property, a map in the file would state “No existing structures on property.” All 29 permits contained maps delineating the proposed structures. Therefore, all files received a score of 1 (Tables 2 and 3). If there were no proposed structures resulting from the project (e.g., project was to subdivide property), and a map was found showing no proposed structures, then the file received a score of 1.

The permit file was also reviewed to see whether it contained a map delineating the area protected by the conservation easement, OTD, and deed restriction. It was discovered that 23 files contained maps of the area protected while 6 did not. Therefore, twenty-three files received a score of 1 and six files received a score of 0 (Tables 2 and 3). The staff report contained an analysis of the development and a condition for a conservation measure to protect sensitive areas. The legal document followed up on this analysis, identifying how the resources would be protected. In some cases, only the staff report contained a map, and in other cases only the legal document contained a map. In a few instances both the staff report and the legal document contained maps. Regardless of where the maps were found, all of the maps were drawn to scale.

Maps indicating the location and type of vegetation, specifying rare or endangered plant species or animal breeding areas were also inspected in the permit files. For maps indicating the location of vegetation, 12 files contained maps delineating all the vegetation, 9 files contained maps that delineated only some of the vegetation or described the vegetation only in text, and 8 files did not contain a map indicating the

location of vegetation. Therefore, twelve files received a score of 2, nine files received a score of 1, and eight files received a score of 0 (Tables 2 and 3). A file obtained a score of 2 if all of the vegetation near the development and in conservation area was outlined. A file attained a score of 1 if only some of the vegetation was outlined, if the vegetation was only described in text, or if some of the vegetation was outlined and some of the vegetation was described in text. Examples, as illustrated by the researcher, are provided in Appendix F. This study found that in some cases, only the vegetation around the development was outlined while the vegetation in other areas was described in text. In other instances, all of the vegetation was described in text. Some maps were only found outlining the vegetation near the development and not in the conservation area. For maps indicating the type of vegetation, 12 files contained maps delineating all the vegetation, 5 files contained maps that delineated only some of the vegetation, and 12 files did not contain a map indicating the type of vegetation. Therefore, twelve files received a score of 2, five files received a score of 1, and twelve files received a score of 0 (Tables 2 and 3). Some of the delineations were not as descriptive as others. A descriptive map would label areas as oak woodlands, maritime chaparral, or eucalyptus. A less descriptive map identified an area as “wooded,” or “brush,” making it unclear as to what type of vegetation was present at that location.

In addition to viewing maps, the permit files were examined to see whether they contained aerial photos and on-site photographs of the conservation area. It was discovered that 1 file contained an aerial photo of the site while 28 files did not include aerial photos. Therefore, one file received a score of 1 and twenty-eight files received a

score of 0 (Tables 2 and 3). The one aerial photo found was in black and white. Five files contained on-site photos of the conservation area while 24 files did not include photos. Therefore, five files received a score of 1 and twenty-four files received a score of 0 (Tables 2 and 3). One file contained two photos while the other files contained five or more photos.

Another component of the permit file evaluated was the legal document to see whether it contained a clear description of what the conservation measure served to protect and a map delineating the conservation area. This thesis discovered that 29 of legal documents identified the resources. Therefore, all files received a score of 1 (Tables 2 and 3). It was discovered that 28 of the legal documents contained a description of how the resources would be protected while 1 did not. Therefore, twenty-eight files received a score of 1 and one file received a score of 0 (Tables 2 and 3).

In many of the CCC legal documents, a section entitled “Use of Property” was included to describe the permitted and restricted uses on the property (Appendix G). In most of the Monterey County legal documents, a section containing restrictions, exceptions and reservations was included to describe the permitted and restricted uses on the property (Appendix H). Some of the legal documents only contained these special sections when describing how the resources will be protected. Most of the documents described how the area was to be protected (e.g. clearing of vegetation for agricultural purposes shall not be permitted on areas in excess of 25% slope; existing oak woodlands and chaparral located on areas in excess of 25% slope shall be left undisturbed and in

their native state) and also included the page entitled “Use of Property” or “Restrictions, Exceptions, and Reservations.”

In reviewing the legal documents, this thesis found that 27 of the documents described the protected area in text, while 2 did not. Therefore, twenty-seven files received a score of 1 and two files received a score of 0 (Tables 2 and 3). The two legal documents that did not describe the protected area in text only referred to an attached parcel map.

Lastly, in reviewing the legal document, this thesis found that 21 of the documents delineated the protected area on a map, while 8 did not. Therefore, twenty-one files received a score of 1 and eight files received a score of 0 (Tables 2 and 3). One of the legal documents contained a parcel map, but the map did not identify the riparian area to be protected. Another legal document included a parcel map identifying the protected stream, but did not delineate the area protected on each side of the stream. Two of the legal documents referred to an attached exhibit. The attached exhibit could have been a staff report containing a map of the protected area, but because these exhibits were not recorded, it is not known whether these exhibits contained maps. Two of the legal documents contained legal descriptions of the conservation easements. Although these legal descriptions can be mapped, no maps were found. The last two legal documents did not refer to any exhibits, and did not contain legal descriptions or maps.

In addition to inspecting whether the legal documents contained a clear description of what the conservation measure served to protect, the description was compared to the special condition of the staff report relating to the conservation measure.

It was discovered that 29 of the descriptions in the legal document corresponded with the descriptions in the staff report. Therefore, they all received a score of 1 (Tables 2 and 3).

The scores resulting from the permit file assessment were totaled (Table 2) and a range of scores from 7 to 14 was obtained. Site visits were conducted for five permits that possessed well documented files (scores 12-14) and for five permits that possessed poorly documented files (scores 7-9). In addition, the most recent aerial photos were used. Effectiveness was determined according to the disturbances found in the conservation area. A scale from 3 to 0 was developed to rate effectiveness as follows: a score of 3 was given if there was no disturbance in the conservation area; a score of 2 was given if there was one type of disturbance; a score of 1 was given if there were two or more types of disturbances; a score of 0 was given if there were three or more types of disturbances or if the area had been graded (because grading is so severe, this would automatically constitute a score of 0). This research found that the five well documented files obtained the following scores: one score of 3; two scores of 2; and two scores of 0. The five poorly documented permit files achieved the following scores: two scores of 3; one score of 1; and two properties were not scored (Figures 2 – 51). The data was then organized in a table (Table 4).

Two permits, MCO-96-A and MCO-98-A, could not be scored because permission was not granted for site visits and there were no maps in the permit files delineating the conservation areas. The properties were viewed from a public road, but it was difficult to notice disturbances. For permit number MCO-96-A, some disturbance was found to the area, but because there was no map delineating the area to be protected,

it was not possible to determine effectiveness. For permit number MCO-98-A, there was no map delineating the area to be protected, and the site could not be viewed because of a private driveway, so it was not possible to determine effectiveness for this site as well.

Landowner Relationships

In order to assess the present relationship between the property owner and either public agency, eight in-person interviews and one telephone interview were conducted. The following questions were asked and recorded in a table: 1) Was the landowner aware of the conservation easement, OTD, or deed restriction before being contacted; 2) Had they been approached by the CCC, Monterey County, or the Coastal Conservancy³ about the conservation measure; 3) Were there any benefits (or potential benefits from the conservation measure; and 4) Was there anything they disliked about the conservation measure. In addition, the manner, tone, body language, and facial expressions were recorded (Table 5).

The results from the landowner interviews were described quantitatively. In addition, an in-depth description was performed for the following cases: 1 permit possessing a positive relationship and a high effectiveness score; 1 permit possessing a positive relationship and a low effectiveness score; 1 permit possessing a negative relationship and a high effectiveness score; and 1 permit possessing a negative relationship and a low effectiveness score. Lastly, the effectiveness of the conservation measures through site visits was determined.

³ The Coastal Conservancy was the only agency found to be the conservation easement holder in this study.

It was discovered that seven of the landowners had been aware of the conservation measure prior to being contacted, while two had not been aware of the conservation measure. One landowner had been approached by the Coastal Conservancy while eight landowners had not been approached by any agency. Six of the landowners noticed benefits while two did not notice any. Three of the landowners found dislikes about the conservation measure while five did not have any dislikes. Five landowners demonstrated a positive attitude through their manner, tone, body languages, and facial expressions, while four demonstrated a negative attitude (Table 5).

Next, the type of relationship between the landowner and either agency was determined. A positive relationship is assumed to be present if the landowner had been contacted by either agency, or if many positive benefits were mentioned and a positive attitude from the landowner (e.g., smiling, laughing, calm manner) existed. A negative relationship is assumed to be present if strong dislikes are mentioned coupled with a negative attitude from the landowner (e.g., apprehension, hesitation, serious, little or no smiling). It was observed that five landowners possessed positive relationships while four possessed negative relationships (Table 5).

Permit number MCO-93-A had a landowner with a positive relationship and an effectiveness score of 3. This landowner was aware of the conservation easement on his property and had not been contacted by Monterey County about the easement. The landowner mentioned many benefits about the conservation easement: keeps areas intact and extensively in their natural state; scenic values for himself and others; and animal and plant habitat preservation. The landowner did not have any dislikes about the

conservation easement. The landowner appeared content about the easement, demonstrating this through smiling, being calm, and appearing confident and knowledgeable about the conservation easement.

Permit number MCO-90-B had a landowner with a positive relationship and an effectiveness score of 0. This landowner had been aware of the conservation easement and had not been contacted by Monterey County about the easement. The landowner mentioned the following benefits about the conservation measure: privacy provided by the trees and prevents her from having to look at a housing development across from her house. There was nothing she disliked about the conservation measure. She displayed a positive attitude about the easement from smiling, and appearing relaxed and confident.

Permit number MCO-88-A had a landowner with a negative relationship and an effectiveness score of 3. The landowner had been aware of the conservation easement and had not been contacted by Monterey County about the easement. He did not notice any benefits about the easement and said that he disliked not having control over his own land. He displayed a negative attitude by appearing serious, being curt in his responses, and not smiling.

Permit number CCC-83-A had a landowner with a negative relationship and an effectiveness score of 0. The landowner had not been aware of the deed restriction on the property and had not been contacted by the CCC about this restriction. The landowner noticed the following benefits about the restriction: erosion protection and protection of endangered plants and wildlife. The landowner disliked not being informed about the

restriction when he bought the property. He displayed a negative attitude by appearing calm and apprehensive.

Lastly, the effectiveness (from a scale of 3 to 0, with 3 being the most effective) of each conservation measure was determined through site visits and the use of recent aerial photos (Figures 2 – 51). Three properties achieved a score of 3, two properties obtained a score of 2, and three properties received a score of 0. For permit number CCC-84-B, permission was not granted for a site visit, and the site could not be viewed from the nearest public road because of a private driveway. In addition, a recent aerial photo could not be located. Therefore, the effectiveness could not be determined (Table 5).

Ownership Changes

To evaluate the effects of ownership changes on these conservation measures, eight in-person interviews and one telephone interview were conducted. The following questions asked were recorded in a table: 1) Was the landowner aware of the conservation easement, OTD, or deed restriction before being contacted; 2) What the landowner understood the terms and conditions to be (if aware of conservation measure); 3) Whether the landowner had a copy of the legal document; and 4) Whether the landowner was clear about the permitted and restricted uses over the property (after furnishing them with a legal document). In addition, the terms and conditions of the conservation measure, per the legal document, were recorded on the chart (Table 6).

The results from the landowner interviews were described quantitatively followed by a qualitative analysis of the similarities between properties that had changed

ownership, and similarities between properties that had not changed ownership. Lastly, the effectiveness of the conservation measures through site visits was determined.

For the six properties that had undergone ownership changes, four of the landowners were aware of the conservation measure on the property, while two had not been aware of the conservation measure. To determine whether the landowner understood the terms and conditions of the conservation measure, the landowner's response to that interview question was compared to the description of the conservation measure in the legal document. Three of the property owners understood the terms and conditions of the conservation measure, while three did not completely understand the terms and conditions. The landowners that did not completely understand the terms and conditions were only familiar with one aspect of the restriction, when there were multiple restrictions on the property (e.g., a landowner stated that she couldn't cut down eucalyptus trees when the easement also protected a wetland area). Three of the property owners had possessed copies of their legal documents, while three did not. When provided with a copy of the legal document during the interview, two landowners were clear about the permitted and restricted uses over the property, while four were not.

For the three properties that had not undergone ownership changes, all three of the landowners were aware of the conservation measure on the property. Two property owner understood the terms and conditions of the conservation measure, while one landowner did not completely understand the terms and condition. This landowner was only familiar with one aspect of the restriction, when there were multiple restrictions on the property (e.g., landowner stated that no permanent structures were allowed on the

easement when easement did not allow grading and tree removal as well). All three of the property owners had possessed copies of their legal documents, and when provided with a copy of the legal document during the interview, two landowners were clear about the permitted and restricted uses over the property, while one was not.

Landowners for properties that had not undergone ownership changes, tended to be aware of the restriction, while landowners for properties that had undergone one or more ownership change, tended to not be aware of the conservation measure.

Landowners for properties that had not changed ownership tended to understand the terms and conditions of the conservation measure more clearly, possessed copies of the legal document pertaining to the restriction, and when provided with a copy of the legal document during the interview, were clearer about the permitted and restricted uses over the property.

Lastly, the effectiveness (from a scale of 3 to 0, with 3 being the most effective) of each conservation measure was determined through site visits and the use of recent aerial photos. Three properties achieved a score of 3, two properties obtained a score of 2, and three properties received a score of 0. For permit number CCC-84-B, permission was not granted for a site visit, the site could not be viewed from afar because of a private driveway, and a recent aerial photo could not be located. Therefore, the effectiveness could not be determined.

Monitoring

To determine the monitoring protocol by the CCC, Monterey County, and the conservation easement holder, interviews were conducted with staff of each agency. The

Coastal Conservancy was the only conservation easement holder found in this study to have accepted an OTD. Therefore, interviews were conducted with staff of the Coastal Conservancy. The results from the interviews were recoded in a table (Table 7) and described qualitatively. Similarities between agencies was illustrated, and the effectiveness of the conservation measures was determined.

This study found that no agency has a monitoring plan in place for conservation easements, OTDs, and deed restrictions, nor has a monitoring plan been in place in the past (Table 7). In addition, out of nine landowners interviewed, only one landowner had been contacted by an agency about her conservation easement. This landowner had been contacted by the California Coastal Conservancy on various occasions. She would receive a phone call first and then a staff member would go inspect the conservation easement and take photos. The agency would sometimes inspect the site two years in a row, and other times, it would be about three to five years before the agency contacted the landowner again (Table 8).

Although neither agency has a monitoring plan in place, the CCC and Monterey County may occasionally monitor their conservation measures. The CCC commented that any monitoring performed on conservation easements, OTDs, and deed restrictions in the Central Coast is done *ad hoc*. If monitoring is being performed, it would be completed according to a condition of approval for a coastal development permit. An example would be a condition stating that the landowner would need to submit reports on the performance of the conservation easement to the CCC (Lester 2001).

Monterey County has a program called “Mitigation Monitoring and/or Reporting Program” (MMRP) that applies to all permits issued. This plan was adopted by the Board of Supervisors on October 9, 2001, but the County has been implementing such a program since approximately July, 2000 (Iglesia 2001). The plan contains a set of procedures for the County to follow regarding mitigation monitoring, reporting, and enforcement to ensure compliance with the conditions of an approved project. According to this plan:

Each mitigation measure shall be clearly written and include the following, as applicable: a) A schedule for implementation of each mitigation measure. If a mitigation measure requires continuous or frequent (e.g., annual/daily) monitoring, the frequency and duration of required monitoring shall be specified (e.g., for five years/during construction); b) The standard or measure used to determine the adequacy of the mitigation (e.g., a threshold adopted by a state or regional agency, General Plan policy, Monterey County Code or regulation); c) Identification of the person or agency responsible for carrying out the field inspection, monitoring of a mitigation measure, or preparation of a report on the status of a mitigation measure or final approval; d) The County department responsible for carrying out the implementation, monitoring, and reporting tasks required under each mitigation measure imposed; e) If a consultant is assigned the task of monitoring or reporting the consultant’s area of expertise (e.g., licensed engineer, certified arborist) shall be specified in the MMRP. Consultants shall be qualified professionals, and their qualifications shall be presented to County Planning and Building Inspection

Department staff as soon as they are selected by the project applicant (Monterey County 2001).

The plan also states that when an applicant has satisfied all the requirements of a particular mitigation measure, the responsible land use department given the responsibility to monitor the condition shall fill out a Verification of Condition Compliance/Non-Compliance Form. On the other hand, if the applicant does not comply with the mitigation measure, or an adopted Mitigation Monitoring and/or Reporting Plan, the plan asserts that the County Planning and Building Inspection Department shall issue a Notice of Violation, a Stop Work Order, or a notice of the County's plan to pursue a Code Enforcement action (Monterey County 2001).

In the absence of a monitoring plan, this research discovered what is being done to ensure that the resources are being protected. The CCC learns about violations through the general public, concerned citizens, aerial photos, and site reviews/ site visits. The site visits can be performed while looking at the same site for some other condition compliance or when passing by the site on the way to another property. In most of the instances, the discovery of the violations are by coincidence. If a violation is discovered, planning staff attempt to resolve the issue by contacting the landowner. If the issue is not easily resolved, then the violation is referred to enforcement staff (Cuffe 2001).

Although concerned citizens may report violations, the general public may not even know that an easement, OTD, or deed restriction exists on these properties. For example, if a concerned citizen reports to the CCC that their neighbor is cutting down oak trees on the property, the property in violation may or may not contain a conservation easement,

OTD, or deed restriction, and if the property did contain one of these conservation measures, the concerned citizen may not even know about the conservation measure.

To protect resources, Monterey County also learns about violations from the general public, neighbors, and Monterey County planners (Maki 2001b). Neighbors and planners know about sensitive areas in North Monterey County. And because most of the development is controversial, neighbors and planners know about the development and the easement associated with the development (Main 2001). In addition, future projects for a property containing an easement would provoke planners to look at the easement on the property (Iglesia 2001).

The California Coastal Conservancy relies on other processes in place to protect resources. Some of these processes include the building and planning departments in Monterey County and local neighboring property interests (Cardellino 2001).

This study found the obstacles each agency faces in developing and implementing a monitoring plan for conservation easements, OTDs, and deed restrictions. The CCC found a limited staff time due to work loads and budget constraints to be an obstacle. In addition, the agency has not prioritized condition compliance over other required tasks such as appeals, permit review, and post – certification monitoring (Cuffe 2001). Other impediments include a lack of technical resources such as mapping, satellite imagery, and Geographic Information Systems (GIS) as well as a complicated legal process (Lester 2001).

Monterey County found staffing resources and large workloads to be obstacles in developing and implementing a monitoring plan. The agency is more concerned with

acquiring the easement than with monitoring, because in the past it was difficult to acquire easements. The department is reactive, needing something to take place, such as a lawsuit, to bring about change. Because nothing has occurred to create a sense of urgency to monitor these easements, the department has not developed such a program (Maki 2001b). In addition, the Senior Deputy County Counsel stated that the County does not perceive any flagrant violations concerning easements, so there is not a need for such a plan (Iglesia 2001).

The obstacles faced by the California Coastal Conservancy in developing and implementing a plan included a small staff and a lack of funding to hire additional staff (Cardellino 2001).

Common among all agencies is that neither organization has a monitoring plan in place for conservation easements, OTDs, and deed restrictions, nor had a plan in place in the past. Also similar among all agencies is that they found staffing resources and large workloads to be obstacles in developing and implementing a monitoring plan.

To see whether conservation easements, OTDs, and deed restrictions that are monitored on a regular basis are more effective in protecting resources, the effectiveness of the conservation measures was determined. The effectiveness (from a scale of 3 to 0 with 3 being the most effective) for all sites evaluated through this research was determined through site visits and the use of recent aerial photos. Five properties achieved a score of 3, two properties obtained a score of 2, one property obtained a score of 1, three properties received a score of 0, and three properties' effectiveness could not be determined (Table 9).

Enforcement

To discover how the CCC, Monterey County, and the conservation easement holder handle non-compliance with terms and conditions of permits associated with conservation easements, OTDs, and deed restrictions, interviews were conducted with staff of each agency. The Coastal Conservancy was the only conservation easement holder found in this study. Therefore, interviews were conducted with staff of the Coastal Conservancy. The results from the interviews were recoded in a table (Table 10) and described qualitatively. Similarities between agencies was illustrated and the effectiveness of the conservation measures was determined.

This study found that no agency has an enforcement plan in place for conservation easements, OTDs, and deed restrictions. Although no agency has an enforcement plan in place specific to these conservation measures, the CCC and Monterey County do have enforcement components in place for all reported land use violations. The violations can either be non-compliance with the terms and conditions of the coastal development permit, or an un-permitted development. The CCC has a draft procedural manual that explains how to handle enforcement cases in general (Traylor 2001) and the agency does enforce violations concerning OTDs and deed restrictions (Cave 2001). Presently, there is enforcement staff at each district office to handle the violation caseload (Traylor 2001). The Enforcement Officer in the Central Coast office devotes about 1% of his time to enforcing violations concerning conservation easements, OTDs, and deed restrictions (Traylor 2001). One planner for the Monterey County area spends less than 10% of her time on enforcement of the conservation measures (Cuffe

2001). Statewide staff spend about 5% of their time enforcing violations concerning these conservation measures (Cave 2001).

Monterey County has an Environmental Health Code Enforcement department that handles all land use violations. Preliminary research is conducted by the planning department to establish whether a violation exists and to determine the state of the violation. The violation is then turned over to the code enforcement division (Maki 2001b). Presently, it is estimated that each planner spends 100 hours per year at most (5.2% of their time) enforcing easements (Main 2001). Code enforcement staff estimate that each staff member spends approximately 60 – 120 hours per month (7.5 to 15% of their time) handling violations concerning easements (Dunn 2001). Monterey County also has two ordinances to address violations. Zoning ordinance 20.90 identifies the types of violations as well as how violations are to be handled (Monterey County Zoning 2001a). Zoning ordinance 20.64.280 describes conservation easements, OTDs, and deed restrictions and the procedures for handling them (Monterey County Zoning 2001b).

This study also found that no agency had an enforcement plan specific to conservation easements, OTDs, and deed restriction in place in the past. Although there was no plan in place for these conservation measures, the CCC and Monterey County did have an enforcement program in place for all reported land use violations. The CCC had an enforcement program that handled all violations starting in 1981 with one lawyer in their San Francisco Headquarters. The program shut down in 1982-1983 with 300 open cases and was restarted in 1986. From 1986 through 2000, the program was administered by interns, part time help in all district office, and three full time staff members, with the

full time staff coming on board in 1992 (Cave 2001). In August of 2000, enforcement staff was hired for each district office (Traylor 2001).

Monterey County has had an enforcement component in place at least since the late 1960s or early 1970s. Planning investigators were being used at this time to handle violations, and in 1997, the Board of Supervisors reclassified the planning investigators to a code enforcement designation. In 2000, the code enforcement personnel were moved from the Planning and Building Department to the Environmental Health Department (Dunn 2001).

In the absence of an enforcement plan for conservation easements, OTDs, and deed restrictions, this research revealed what is being done in the way of enforcement if a violation arises. The CCC's violations are either regarding un-permitted development or condition compliance for a permit issued (Traylor 2001). The agency will try to first resolve a violation by having the planner responsible for the area contact the landowner. If the planner is unable to resolve the issue, the case is referred to enforcement staff (Cuffe 2001). Enforcement staff then enter the violation into their database and call and/or write a letter to the landowner to resolve the case. In some cases, if the violation can not be resolved at the District level, the cases are elevated to headquarters in San Francisco for resolution. This could result in the issuance of a cease and desist order or taking other legal action (Traylor 2001).

Monterey County will first determine if a violation exists through site visits (Main 2001). If a violation exists, code enforcement will discuss the violation with planning staff to learn about the issue. The property owner will then be contacted verbally and in

writing (Dunn 2001). The landowner will then be required to remedy the violation through restoration or structure removal. As a result, the landowner may need to apply for a new permit or amend a current permit (Main 2001). In some instances, the District Attorney and/or County Counsel may file a case in court in the nature of an injunction to compel the landowner to remedy the violation (Iglesia 2001).

The Coastal Conservancy, when alerted of a violation, will first contact someone at the local level to investigate whether a violation exists, and to check status of the violation. If a violation exists, the Conservancy will attempt to resolve the issue by contacting the property owner and / or involving legal staff. In some cases the Attorney General may be involved (Cardellino 2001).

This thesis also found the obstacles each agency faces in developing and implementing an enforcement plan for conservation easements, OTDs, and deed restrictions. The CCC found staffing resources, coordination within the agency, and cooperation from local governments to be obstacles. In addition, an urgency to develop and implement such a program has not been demonstrated (Cave 2001).

Monterey County stated that staffing resources would be an obstacle if they had felt a need to develop and implement an enforcement plan. As of now, the County does not perceive a need to develop and implement such a plan. The County feels that they are not having a problem with enforcement and that code enforcement has been adequately handling violations (Main 2001). In addition, an urgency to create such a plan has not been demonstrated (Dunn 2001).

The obstacles faced by the California Coastal Conservancy in developing and implementing an enforcement plan included staffing resources. In addition, the Conservancy stated an urgency had not been revealed, making it a low priority to establish such a plan (Cardellino 2001).

Common among all agencies is that neither organization has an enforcement plan in place for conservation easements, OTDs, and deed restrictions, nor has had a plan in place in the past. Also similar among all agencies is that each organization has enforcement protocol in place if a violation arose regarding conservation easements, OTDs, and deed restrictions. All of the agencies also stated that staffing resources and an urgency not having been demonstrated to be obstacles in developing and implementing an enforcement plan.

To see whether agencies that have an enforcement program in place for conservation easements, OTDs, and deed restrictions are more effective in protecting resources, the effectiveness of the conservation measures was determined. The effectiveness (from a scale of 3 to 0 with 3 being the most effective) for all sites evaluated through this research was determined through site visits and the use of recent aerial photos. It was discovered that five properties achieved a score of 3, two properties obtained a score of 2, one property obtained a score of 1, three properties received a score of 0, and three properties' effectiveness could not be determined (Table 11).

CHAPTER 5

DISCUSSION

Permit Files, Monitoring, and Enforcement

The purpose of this research was to determine the location, effectiveness, and current status of conservation easements, OTDs, and deed restrictions in North Monterey County that were required by the CCC and Monterey County.

Based on the literature review and the results of this study, a well designed program for conservation easements, OTDs, and deed restrictions includes various components. The program would ensure that the permit files contain certain surveys, maps, and documents that would serve a basis for landowner understanding and monitoring of the conservation measure. The information in the permit file, particularly the legal document, are also important for the enforcement of conservation easements, OTDs, and deed restrictions. The program also needs to include a monitoring plan to investigate whether the resources are being protected, establish a positive relationship with landowners, and keep up to date on ownership changes. Lastly, a well designed program would contain an enforcement plan to handle non-compliance with the terms and conditions of the conservation measure.

An overall review of the protocol in place for conservation easements, OTDs, and deed restrictions by the CCC, Monterey County, and Coastal Conservancy has shown that the agencies have certain aspects of a well designed program already in place, but fall short in other areas.

A well designed program for conservation easements, OTDs, and deed restrictions would contain a monitoring plan. The Land Trust of Santa Cruz County performs a minimum of one site visit per year to ensure that the easement terms are being complied with, and to maintain contact with the landowner. Depending on the relationship with the landowner, either a letter is sent or a phone call is made before a site visit. After the site visit, a follow-up letter is sent stating the results of the site visit (Perry 2002). Some examples of monitoring tasks include a written report, walking the property, on-site photos, and comparing the present state of the property to the baseline documentation (Guenzler 1999). To handle ownership changes, an article by the Land Trust Alliance stated that easement holders need to introduce themselves to new landowners and ensure that the landowners understand the terms of the easement (Thornton and Anderson 1998). To assist with site visits, the boundary of conservation areas would need to be marked. The Elkhorn Slough Foundation uses boundary markers placed on the land, such as white PVC pipes, and sheet metal into the ground outlining the boundary of the easement. The foundation uses existing coordinates to find the boundaries at a later date (Contreras 2002).

This research found that the CCC, Monterey County, and the Coastal Conservancy are not consistently monitoring their conservation easements, OTDs, and deed restrictions. Neither agency has a plan in place, nor have the agencies had a plan in place in the past (Table 7). In addition, out of nine interviews with landowners, only one landowner had been contacted by either agency about the conservation easement on her property (Table 8). Through the eleven site visits, six of the properties had disturbances

to the protected area (Table 9). These results indicate that conservation easements, OTDs, and deed restrictions may not be protected over time if they are not monitored. When performing these site visits, the conservation areas were not marked, making it difficult in some cases to know the location of the conservation easement, OTD, or deed restriction.

A well designed program would also ensure that the permit files contain certain surveys, maps, and documents. Permit files need to include staff reports with descriptions of the purpose of each conservation easement, OTD, and deed restriction, that satisfy the objectives of the Coastal Act and/or LCP. Permit files also need to contain a biological survey, and a map delineating existing structures, proposed structures, and the area to be protected by the conservation measure. Permit files must also include vegetation maps, an aerial photo, and on-site photographs of the conservation area. The legal document is also an important component of the permit file. The legal document needs to identify the resources protected, describe how the resources will be protected, delineate the area to be protected in text and on a map, and most importantly, be recorded. Lastly, the description of what the conservation measure serves to protect in the legal document needs to correspond with the special condition in the staff report.

The CCC and Monterey County fall short in their permit file documentation and organization, as evidenced by some of the low scores (Table 2). The staff reports and legal documents in the permit files are not clearly describing the purpose of the conservation measure. In addition, the agencies are not consistently performing

biological surveys. The Land Trust of Santa Cruz County uses a specialist to study the location and frequency of plants and animals on the property (Perry 2002).

The permit files are also not consistently providing vegetation maps with clear delineations, aerial photos, and on-site photos. The Elkhorn Slough Foundation conducts surveys and delineates the types of plants and animals in the easement area on a map to capture the initial conditions in the easement area, and takes photos of their easements, stating the position and bearing of the photos (Contreras 2002). The Big Sur Land Trust anticipates using photography for their easements, using GPS to mark their positioning. They also anticipate taking photos from different angles and documenting what the photos are illustrating (Danner 2002). The Land Trust Alliance, in one of their publications, stated that aerial photos are an important component of the baseline file (Thornton and Anderson 1998).

This study also found that the legal documents did not all contain maps delineating the area protected, nor were they all recorded. This research found that eight of the legal documents did not contain maps delineating the area protected (Table 3).

In selecting conservation easements, OTDs, and deed restrictions to be used in this research, it was found that six permits issued by Monterey County resulted in projects that had been built and no legal documents recorded. For the CCC, three of the legal documents could not be found. In these cases, the projects could have been built and a legal document never recorded, or the project may have never occurred.

In addition to containing certain components, a well designed program would ensure that the files are organized. A well organized file needs to contain a recorded map

with the following features: roads, existing structures, proposed structures, vegetation, and delineation of the conservation area. Digitizing the information would be useful as well. The Big Sur Land Trust hopes to digitize the information they have pertaining to the easement, and save it to CDs for future use. Some of the items they hope to digitize are their title documents, maps, photos, and site visit documentation (Danner 2002).

In reviewing permit file organization, this research found that the CCC and Monterey County do not consistently have organized files. Many of the maps were found individually, and not all were a part of the legal document. In many instances, several resources were needed to interpret the maps delineating the conservation area. Lastly, neither agency has the information in the permit files digitized.

A well designed program would contain a method for tracking the conservation easements, OTDs, and deed restrictions to assist in locating these conservation measures in the future, and help prepare for the expiration of the OTDs. The CCC and Monterey County do not have a method for tracking these conservation measures. This was discovered through preliminary research, in which it took approximately 44 hours to locate all conservation easements, OTDs, and deed restrictions for North Monterey County.

Lastly, a well designed program needs to include an enforcement plan for conservation easements, OTDs, and deed restrictions. An effective enforcement plan needs to address the following issues: 1) How the property owner will be contacted, and who will have authority to discuss the violation with the owner; 2) How the violation will be documented; 3) When legal counsel will be contacted; 4) The person who will have

authority to negotiate a resolution with the property owner (Land Trust Alliance 1996).

In addition, an enforcement plan would define the types of violations that could occur: 1) Violation by a trespasser; 2) Violation by an abuter; 3) Violation by original landowner; 4) Violation by owner's tenant; and 5) Violation by a new owner (Land Trust Alliance 1999), and how these types of violations will be handled.

Overall, the agencies have an enforcement component in place, but not a program specific to conservation easements, OTDs, and deed restrictions. The CCC and Monterey County have enforcement personnel and planners to contact the landowners, a protocol for documenting violations, personnel that negotiate a resolution with the property owner, and a description of when legal counsel will be consulted. The Coastal Conservancy handles its violations by contacting the property owner and / or involving legal staff, and in some cases, the Attorney General may be involved (Table 10). Because the Conservancy is a land trust and has accepted OTDs that were originally required as conditions of approval for CCC permits, further research would need to be conducted to determine whether the Conservancy, the CCC, or both, would be responsible for the enforcement of the easement.

It is unknown whether the enforcement components in place by each agency are effective in handling non-compliance with the terms and conditions of conservation easements, OTDs, and deed restrictions. Although this research did not find many disturbances on the conservation areas, as more time passes, more properties will change hands, increasing the chances that the conservation areas may be disturbed. In addition, once a monitoring plan is in place, more sites will be visited, possibly resulting in more

violations. Once a program is established for conservation easements, OTDs, and deed restrictions, further research will need to be conducted to determine whether the current enforcement plans are effective in handling these conservation measures.

Effectiveness

This thesis attempted to determine the effectiveness of conservation easements, OTDs, and deed restrictions as related to permit file documentation, landowner relations with the agencies, ownership changes, and the existence of monitoring and enforcement protocol. Because no trend could be found to correlate effectiveness to the above factors, this thesis could not determine whether a well documented permit file, the existence of an enforcement plan, or a positive relationship between the property owner and either the CCC, Monterey County, or conservation easement holder were more effective in protecting resources. This study also could not determine whether conservation measures that have changed ownership one or more times are less effective in protecting resources. Because no monitoring plan exists, it is not known whether the conservation measures that are monitored on a regular basis are more effective in protecting resources.

Limitations

Although this study revealed many aspects regarding conservation easements, OTDs, and deed restrictions, there were several limitations to this study.

Because of the few numbers of landowners involved in this study, the trends and commonalities noticed from the landowner interviews and site visits may not be representative of all conservation easements, OTDs, and deed restrictions.

Other limitations resulting from landowner interviews could have been the landowners' attitudes towards the conservation measures. For example, the landowners may have displayed a negative manner, tone, or body language, but their actions could have been the result of being uncomfortable about being interviewed, or some other personal issue going on in their lives.

Effectiveness of the conservation easements, OTDs, and deed restrictions was based on the amount of disturbance to the area conserved. The amount of disturbance was based on what the researcher discovered in the recent site visits. A limitation to this approach is that the site could have been disturbed prior to the existence of the conservation measure. Because only a few files contained photos of the conservation area at the time the conservation measure was put into place, it was difficult to know if these disturbances were present prior to the conservation measure being put into place.

Aerial photos were limiting in determining effectiveness. The aerial photos may not show disturbances that are occurring beneath the trees and vegetation, disturbances that may not be visible from the sky. Other limitations resulted from landowners not allowing permission to enter the property to perform a site visit. Viewing the property from afar did not reveal all disturbances, and in some cases, the site was not able to be viewed from afar because of private driveways.

CHAPTER 6

RECOMMENDATIONS

This thesis identified the need for the CCC, Monterey County, and the conservation easement holder to develop and implement a program for conservation easements, OTDs, and deed restrictions. This program needs to a) include protocol that is not in place at this time, b) improve on various aspects already in place, and c) maintain components that are already in existence for these agencies. The following recommendations are being proposed to assist the agencies in forming a successful plan:

- 1) *Develop and implement a monitoring plan for conservation easements, OTDs, and deed restrictions, tailored to the nature of each agency's business.***

Because the CCC, Monterey County, and the conservation easement holder are not consistently monitoring their conservation easements, OTDs, and deed restrictions, it is recommended that these agencies develop a monitoring plan for these conservation measures. The monitoring plan should include a schedule for acquiring aerial photos and performing site visits. The site visits should be performed at least once per year to establish a positive relationship with the landowner and ensure that new landowners are aware of the conservation measures on the property. It is suggested that agency staff contact the landowner and briefly explain the monitoring process. During the inspection, it is important to have the landowner accompany agency staff. This way, the staff member can educate the landowner about the conservation measure's terms and conditions, and build a positive relationship with the landowner

(Hotz 1995, 160). The property should be walked, checking for structures and inspecting changes to the vegetation and trees. To assist with these site visits, a recommendation would be to use GPS technology to accurately map the conservation area and physically mark the easement boundaries with inconspicuous poles or flags at the time the conservation measure is created. Baseline documentation should be utilized and photos taken. A monitoring report should then be prepared and a copy sent to the landowner (Guenzler 1999).

2) *Develop more detailed descriptions of the conservation easements, OTDs, and deed restrictions in the staff reports and legal documents.*

Because the CCC and Monterey County fall short in their permit file documentation and organization, a recommendation would be to develop more detailed descriptions of the conservation easements, OTDs, and deed restrictions in the staff reports and legal documents. A detailed description would include what the conservation measure served to protect (e.g., maritime chaparral), how the resources would be protected (e.g., no development or disturbance on areas containing maritime chaparral), and where the resources are located on the property (e.g., the area found on the northernmost portion of the property). All descriptions need to give examples of what can and cannot be done on the property, making sure to mention how non-natives are to be handled. In addition to the description, the legal documents need to include the section entitled “Use of Property” or “Restrictions, Exceptions and Reservations.”

3) *Include a biological survey, conducted prior to the recordation of the conservation measure, in each permit file.*

Ideally a biological survey should identify the types, numbers, and locations of vegetation, wildlife, and wildlife habitat, specifying rare and endangered species. A map must be included delineating the observations. The survey should also assess impacts of the proposed project on vegetation and wildlife, and suggest mitigations.

4) *Include vegetation maps, aerial photos, and on-site photographs in each permit file.*

The vegetation maps need to be created at the time of permit analysis, and clearly delineate the location and type of all vegetation, the locations of rare and endangered plant species, and the locations of animal breeding areas. It is recommended that this same map be included in the legal document and contain roads, existing structures, proposed structures, and a delineation of the protected area (Figure 52). If there are no existing structures on the property, the map needs to indicate this. The aerial photos and on-site photographs need to be in color and taken after the legal document has been recorded. The on-site photos should include a description of from where the photos are taken, and what the photos are attempting to illustrate. GPS can be used to mark the position from where the photo was taken.

5) *Incorporate a section in the permit tracking database to identify conservation easements, OTDs, and deed restrictions.*

Because the CCC and Monterey County do not have a method for tracking their conservation easements, OTDs, and deed restrictions, and a few of their legal

documents were not recorded, it is recommended that each agency incorporate a section in their permit tracking database to identify these restrictions. A useful model can be found in Monterey County's Permits Plus Accela database. Although not currently using this feature, a "Conditions" icon appears on each permit screen.

Under this icon, all conditions are listed. By clicking on a condition, another screen appears with details about the condition and the opportunity to add links to Word and Excel documents that could contain the Staff Report and on-site photos of the conservation area (Figure 53). This screen could also include a section regarding the recordation of the legal document to ensure that the restrictions are being recorded.

6) *Digitize the pertinent information contained in each permit file.*

To assist with the organization and accessibility of permit files, it is recommended that the pertinent information contained in the permit file be digitized, saved to CDs, and made available to the person or agency monitoring the conservation measures.

Some of the items that can be digitized include the staff report, legal document, biological and geological surveys, maps, photos, and site visit documentation.

7) *Re-evaluate current enforcement programs every two to three years to see whether the programs are effectively handling violations to conservation easements, OTDs, and deed restrictions.*

Although all agencies have an enforcement component in place to handle violations, it is recommended that the agencies re-evaluate their current programs every two to three years to see whether they are effectively handling conservation easements,

OTDs, and deed restrictions that are in violation. This thesis also recommends that further research be conducted to determine how agencies, such as the Coastal Conservancy, are to handle violations.

8) *Choose to use conservation easements over OTDs and deed restrictions.*

The advantage to conservation easements is that the sensitive resources are protected in perpetuity, and a guardian for the easement exists. The advantage to OTDs, is that the resources are protected for a period of time, usually 21 years, while a holder for the conservation easement is being located. The disadvantage is that unless the OTD is accepted by a responsible agency within the specified time, it will expire (Landry 2001). The advantage to deed restrictions is that, like easements, the resources are protected in perpetuity. The disadvantages to the deed restriction are that they are not overseen by a guardian, and that the section entitled “Use of Property” is not included in the legal document.

Observing the advantages and disadvantages of all conservation measures, it is recommended that conservation easements be used at all times if possible. In using conservation easements, the resources are protected in perpetuity, and a guardian for the easement exists to ensure that the resources are being protected. If the agency issuing the permit cannot be the guardian for the conservation easement, the agency issuing the permit should locate an organization to accept the easement prior to the issuance of that permit. To assist with this, a list of potential organizations accepting conservation easements for the area can be created.

9) *To implement these recommendations, the CCC, Monterey County, and the conservation easement holder need to hire a person that would focus on conservation easements, OTDs, and deed restrictions.*

A similar situation had occurred at the CCC in which a person was hired to focus on public access easements. The CCC had required OTDs for public access easements, and it was discovered that the OTDs were not being managed and would be expiring in the near future. The agency then developed a program and hired staff to handle these easements.

If the agencies are not able to hire new personnel, then each agency can assign different duties to existing staff. For example, one person could ensure that the permit files are adequately documented, while another staff member could monitor the conservation measures. Another way to divide the duties would be to assign a particular region to each staff member. That staff member would then be responsible for permit file documentation, monitoring, and other duties associated with the conservation easements, OTDs, and deed restrictions in that region.

Conclusions

Based on preliminary research, some of the results found in this research were expected. One of the expected results was that no agency has a monitoring or enforcement plan in place specific to these conservation measures, and that few or no landowners had been contacted by either agency. Discovering that the permit files lacked

certain information such as biological surveys, vegetation maps, and photographs, was also anticipated. Lastly, some minor disturbances were expected to be found on the properties.

In contrast, this research did uncover some unexpected information. One surprise was that not all of the legal documents contained maps delineating the area to be protected by the conservation easement, OTD, or deed restriction. Eight of the 29 files examined, accounting for 28% of the files reviewed, did not contain a map. It was also unexpected to find that some of the legal documents had not been recorded. In Monterey County, six conservation easements had not been recorded. Lastly, the magnitude of some of the disturbances found through the site visits was surprising. For example, some large structures were found in a wetland area protected by a conservation easement. In another site visit, a fireroad and new trail traversed an area protected by a deed restriction.

Overall, this study developed a set of recommendations for the improved use and management of conservation easements, OTDs, and deed restrictions for the CCC, Monterey County, and the conservation easement holder. In addition, the information compiled from this research can be utilized by other agencies that handle conservation easements, OTDs, and deed restrictions such as regulatory agencies, city and county planning departments, and land trusts.

ILLUSTRATIONS

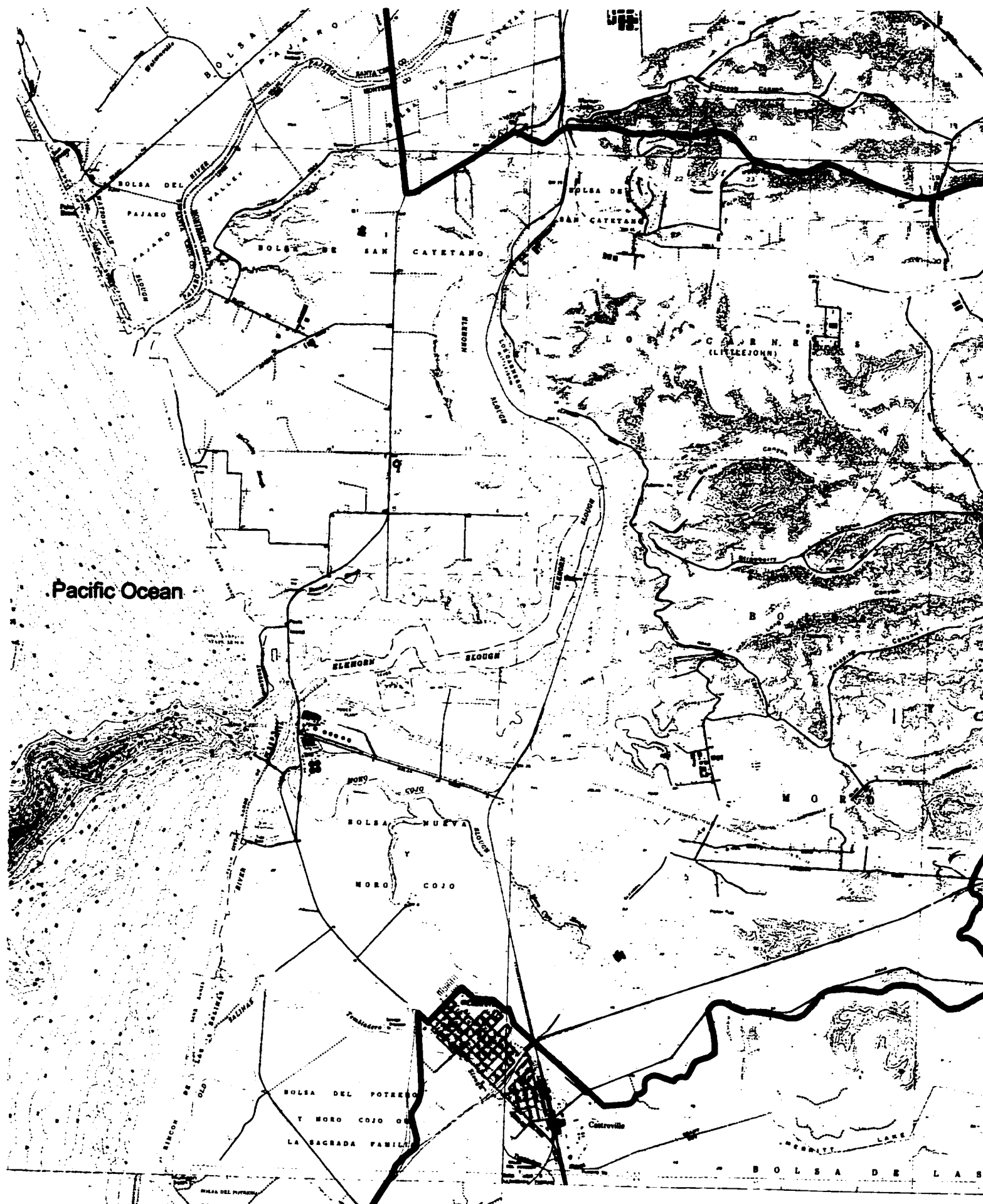
NOTE TO USERS

Oversize maps and charts are microfilmed in sections in the following manner:

LEFT TO RIGHT, TOP TO BOTTOM, WITH SMALL OVERLAPS

This reproduction is the best copy available.

UMI^{*}





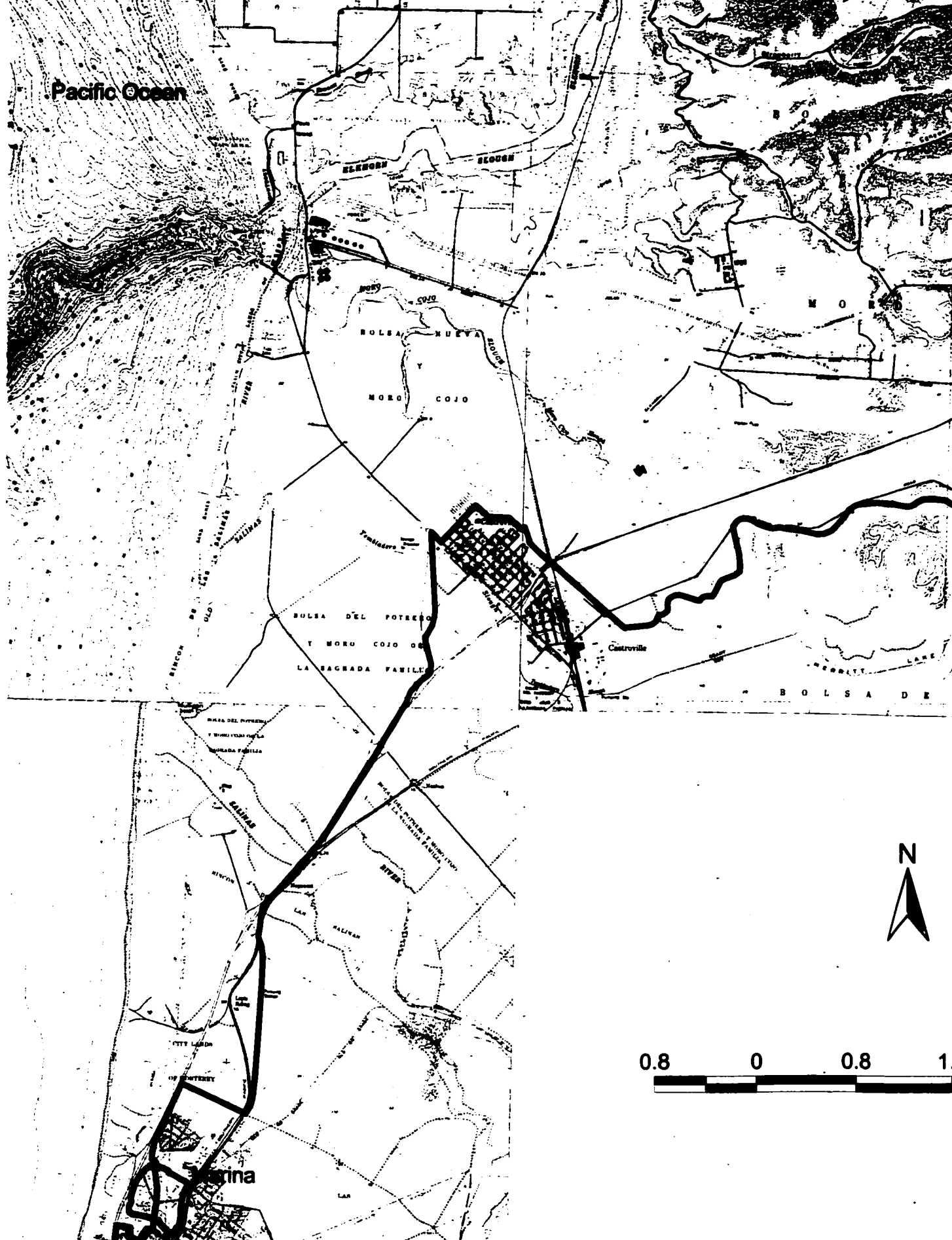
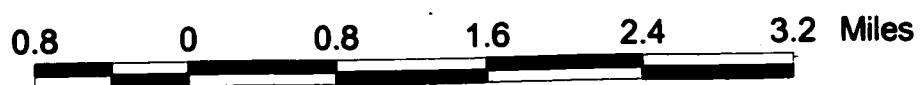
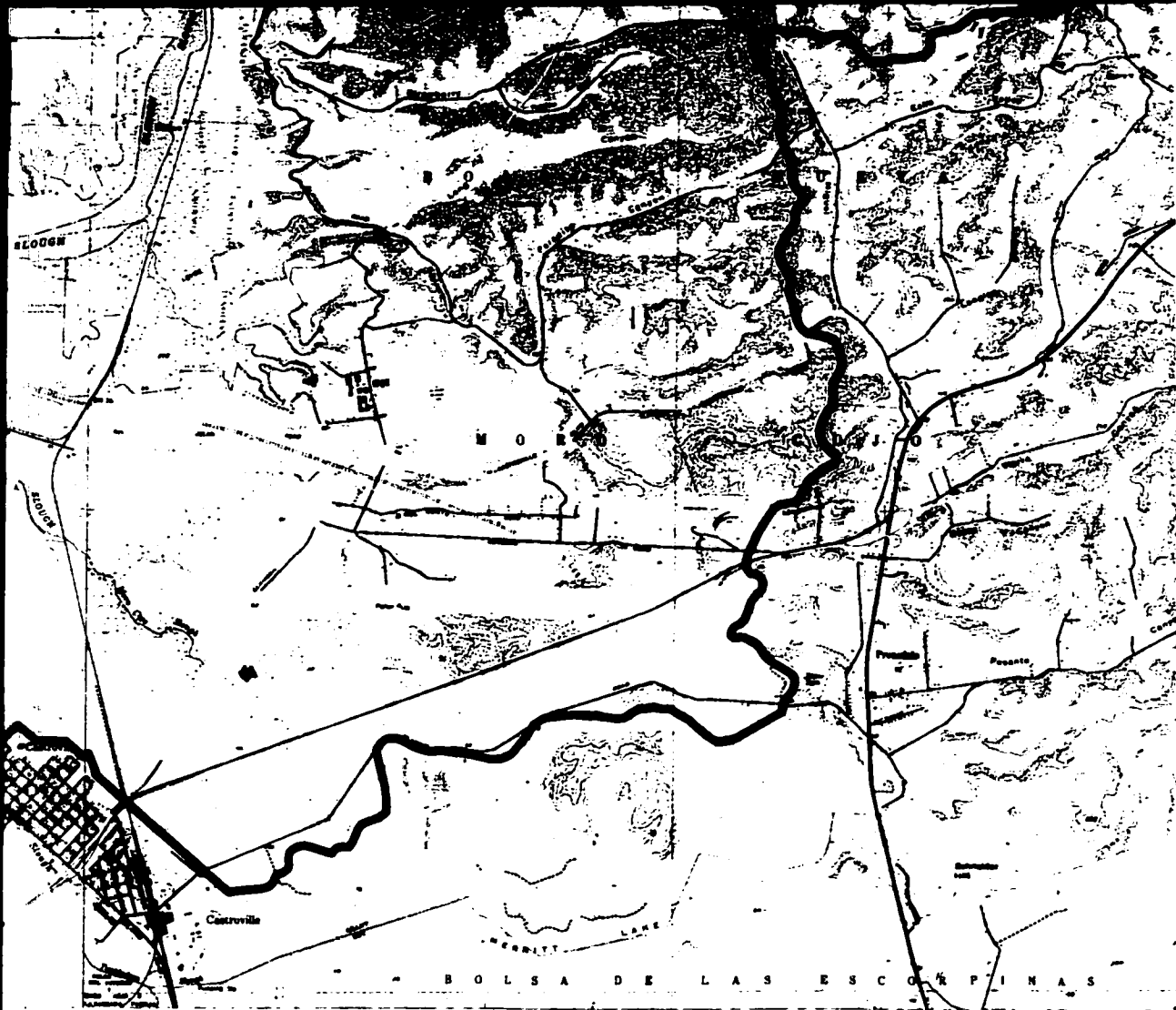


Figure 1. North Monterey County Coastal Zone (USGS)



CCC-80-A

What it protects: Environmentally sensitive riparian habitat along creek (creek and riparian vegetation); area 50 feet in width on each side of the creek, lying along and contiguous to the right and left banks of the creek

Status of site: No disturbances

Score: 3



Figure 2. Riparian habitat from a distance showing no disturbance.

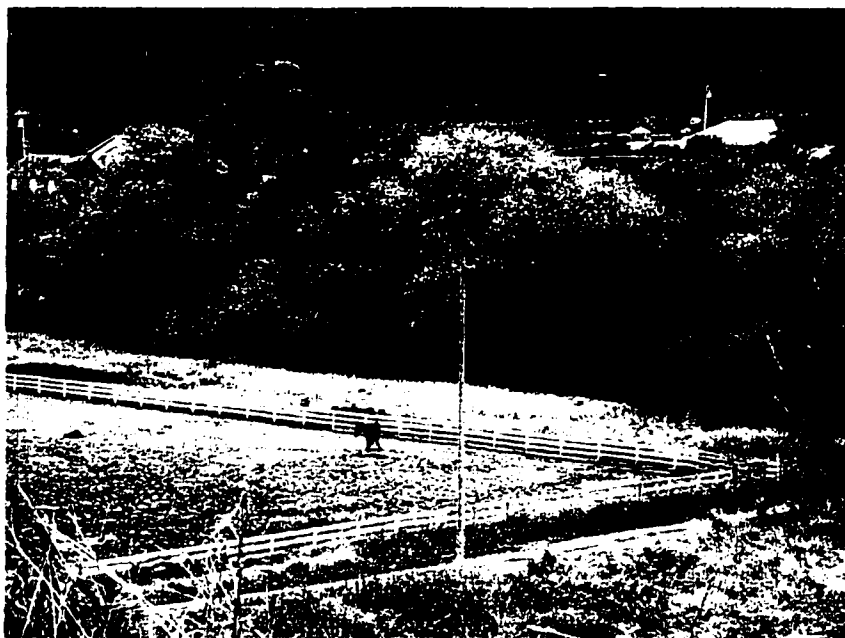


Figure 3. Riparian habitat close up showing no disturbance.



Figure 4. Aerial photo June, 2001.



Figure 7. Disturbance # 3: structure near stream.

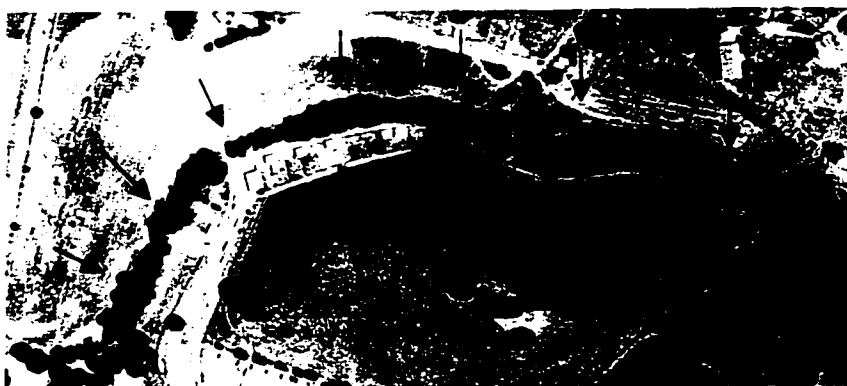


Figure 8. Aerial photo June, 2001.

CCC-82-B

What it protects: Environmentally sensitive habitat area located on a portion of the subject property (native trees, groundcover, wildlife)

Status of site: No disturbances; non-natives: Himalaya-berry (*Rubus discolor*) and Bull thistle (*Cirsium vulgare*)

Score: 3



Figure 9. Environmentally sensitive habitat area showing no disturbance.



Figure 10. Environmentally sensitive habitat area showing no disturbance.

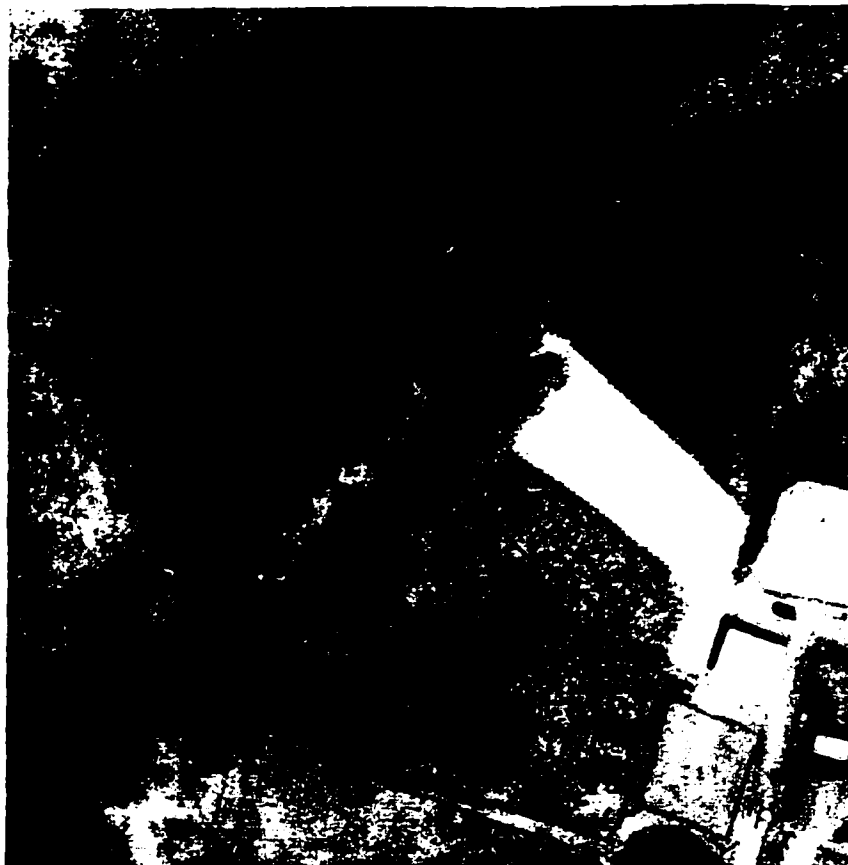


Figure 13. Aerial photo June, 2001.

CCC-83-A**What it protects: Maritime chaparral on slopes exceeding 25%****Status of site: Three disturbances (fireroad, debris, new trail); non-natives:
Pampas grass (*Cortaderia selloana*)****Score: 0**

**Figure 14. Disturbance # 1: fireroad;
non-natives: Pampas grass (*Cortaderia
selloana*)**



Figure 15. Disturbance # 2: debris.



Figure 16. Disturbance # 3: new trail.



Figure 17. Aerial photo June, 2001.

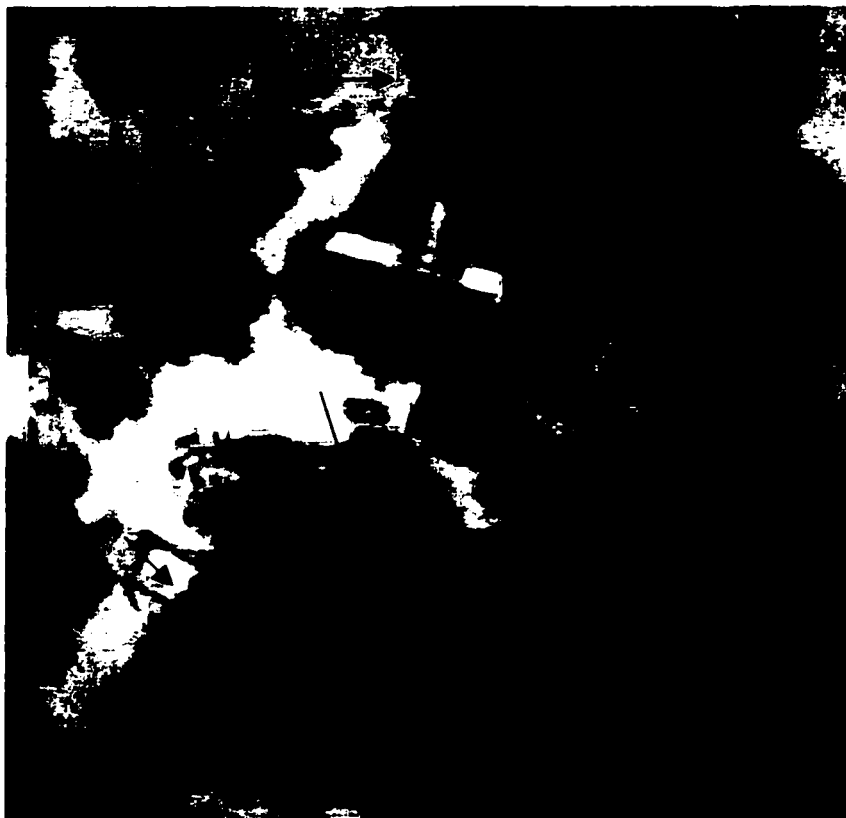


Figure 20. Aerial photo June, 2001.

CCC-84-C

What it protects: Environmentally sensitive habitat area located over the hillsic portion of the subject property below the 25 foot contour into (natural habitat area, mature oak forest, wetlands)

Status of site: One disturbance (fence); non-natives: Himalaya-berry (*Rubus discolor*)

Score: 2



Figure 21. Environmentally sensitive habitat area showing no disturbance.



Figure 22. Environmentally sensitive habitat area showing no disturbance.



Figure 23. Disturbance # 1: fence; non-natives: Himalaya-berry (*Rubus discolor*).



Figure 24. Aerial photo June, 2001.

CCC-85-D

What it protects: Slough and wetland vegetation along slough; entire width of property extending 100 feet in from the landward edge of the wetland vegetation

Status of site: Two disturbances (fence, concrete)

Score: 1



Figure 25. Disturbance # 1: fence encroachment on inland vegetation.

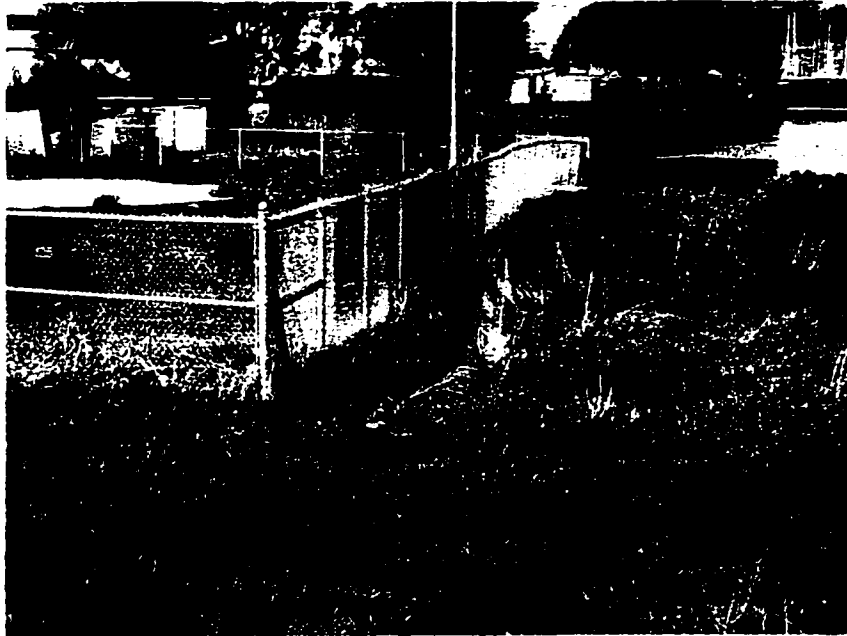


Figure 26. Disturbance # 2: concrete on inland vegetation.



Figure 27. Aerial photo June, 2001.



Figure 30. Disturbance # 1: fence in wetland vegetation.



Figure 31. Aerial photo June, 2001.

MCO-88-A**What it protects: Maritime chaparral****Status of site: No disturbances****Score: 3****Figure 32. Maritime chaparral showing no disturbance.**

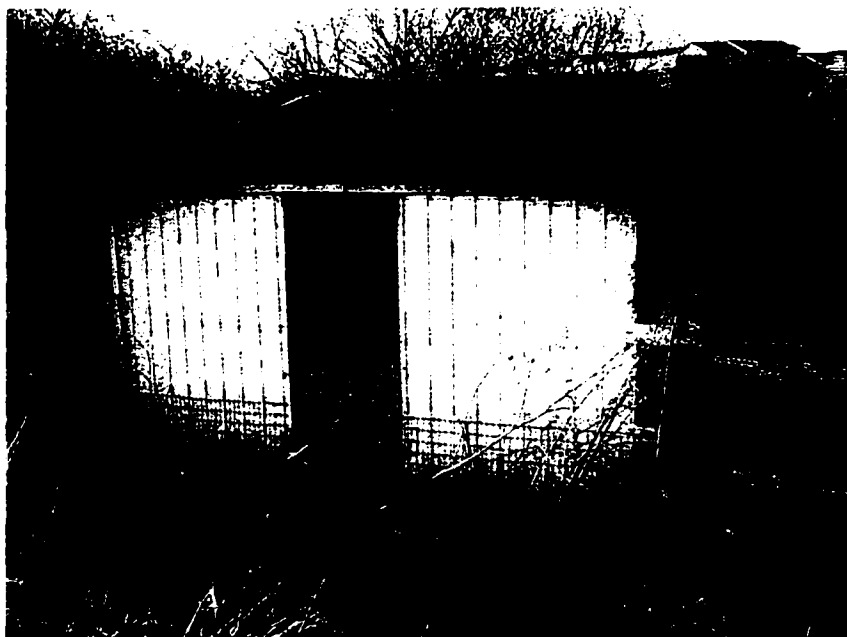


Figure 37. Disturbance # 2: structure in inundation area.

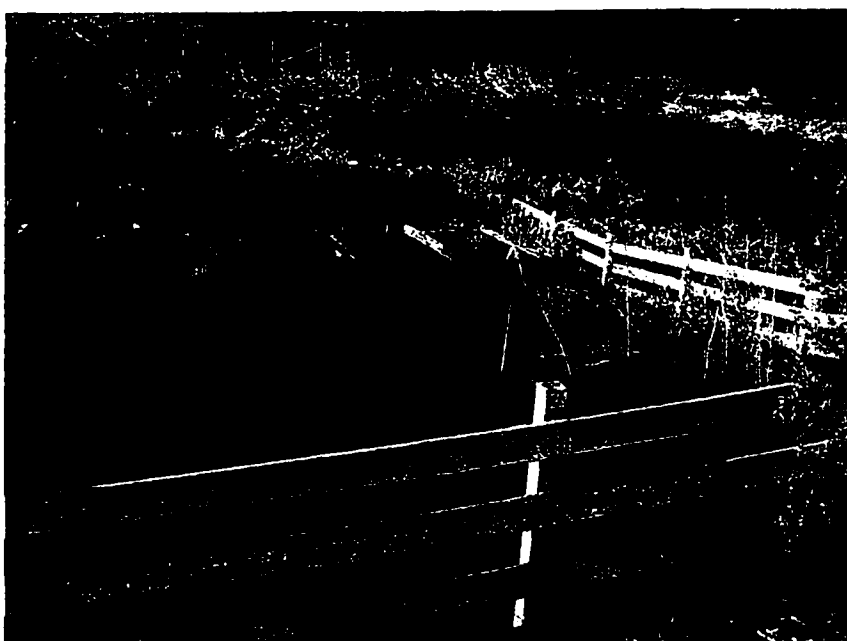


Figure 38. Disturbance # 3: structure in inundation area.

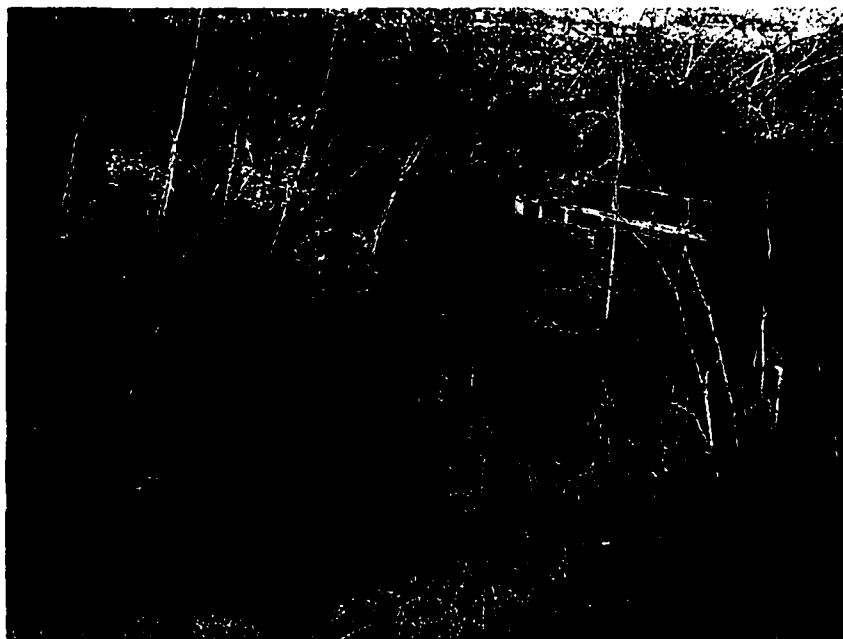


Figure 39. Disturbance # 4: structure in inundation area.



Figure 40. Aerial photo June, 2001.

MCO-93-A

What it protects: Where slope exceeds 25%; all maritime chaparral; all areas within 100 feet of riparian habitat

Status of site: No disturbances

Score: 3



Figure 41. Area where slope exceeds 25% showing no disturbance.



Figure 42. Maritime chaparral showing no disturbance.



Figure 43. Riparian habitat showing no disturbance.



Figure 44. Area where slope exceeds 25% showing no disturbance.



Figure 45. Aerial photo June, 2001.

MCO-96-A

What it protects: Sensitive biological habitats (coast live oak forest and central maritime chaparral)

Status of site: Not able to determine

Score: None



Figure 46. Possible disturbance # 1.



Figure 47. Possible disturbance # 2.

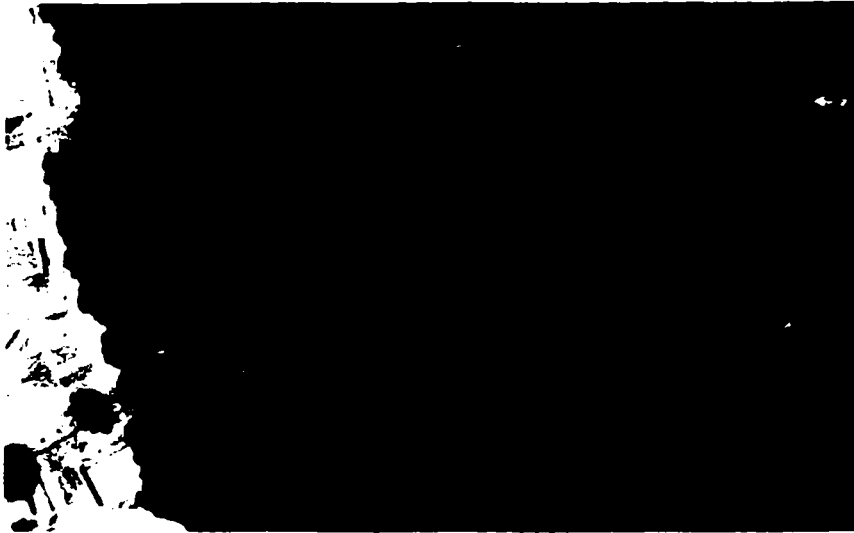


Figure 48. Aerial photo June, 2001.

MCO-98-A**What it protects: Areas where slope exceeds 25% and maritime chaparral exists****Status of site: Not able to determine****Score: None**

Figure 49. Maritime chaparral showing no disturbance.



Figure 50. Maritime chaparral showing no disturbance; non-natives: Pampas grass (*Cortaderia selloana*).



Figure 51. Aerial photo June, 2001.

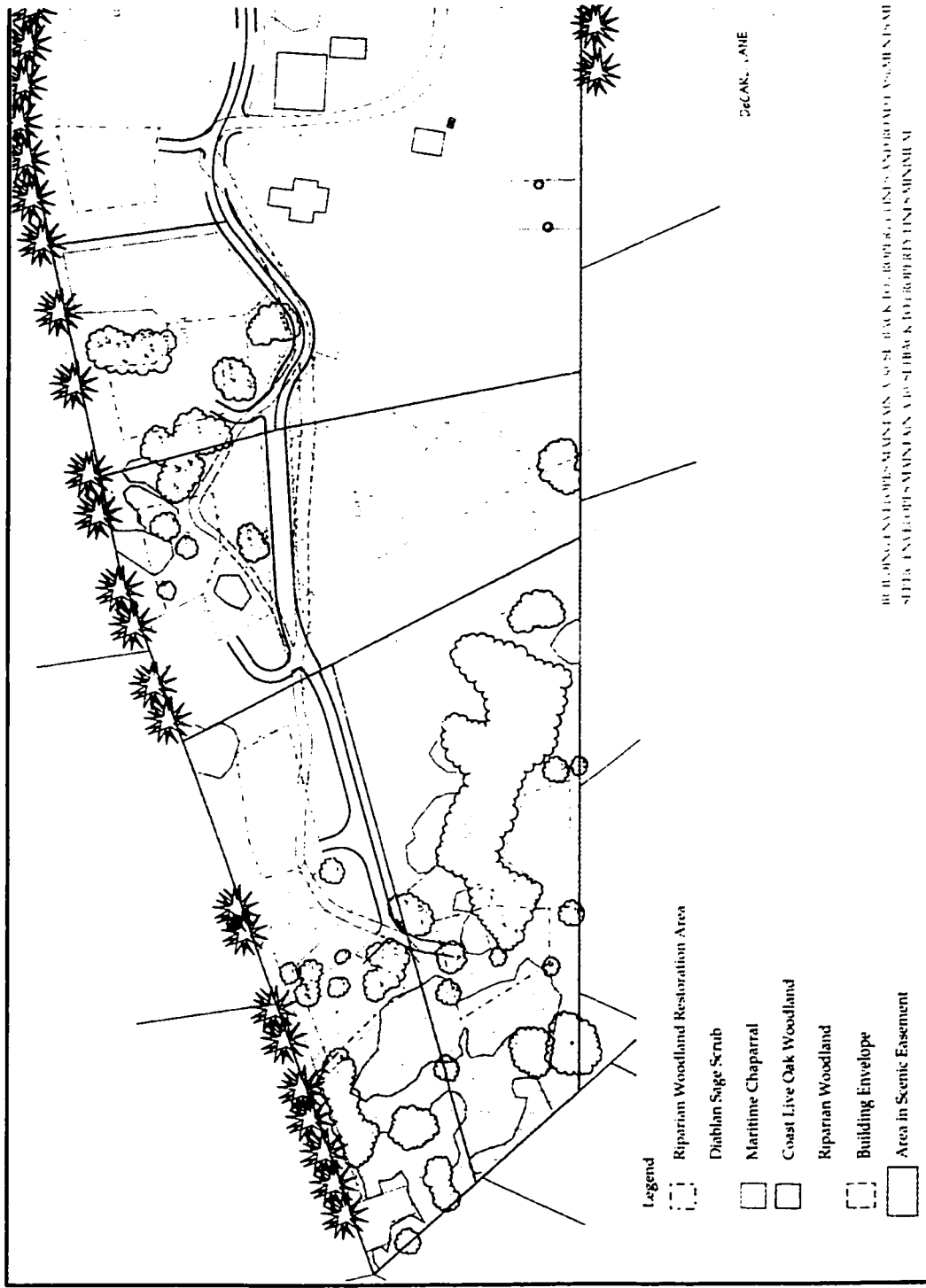


Figure 52. Example of Vegetation and Easement Delineation

Conditions for PLN010005

| Item | Condition | Approved | Req |
|--|-----------|----------|-----|
| <div> <input type="button" value="Add Item"/> <input type="button" value="Insert Item"/> <input type="button" value="Remove Item"/> </div> | | | |
| <div> <input type="button" value="Update Desc"/> </div> | | | |
| <div> <input type="button" value="Add Entry"/> <input type="button" value="Update Entry"/> <input type="button" value="Delete Entry"/> <input type="button" value="Refresh"/> </div> | | | |

Description:

Entries for Selected Condition: PLN010005

| Action | Comments | By | Date |
|-----------------------------------|----------|----|------|
| <div> <input type="text"/> </div> | | | |

Action: By: Date:

Comments:

Entered Date: Entered By:

☒ OK ☐ Off Link

☐ Select Multiple

Figure 53. Monterey County Permit Tracking Database.

TABLES

Table 1. Permit File Components

| | |
|--|--|
| Permit Number | CCC-80-A |
| Instrument | open space easement |
| What does it serve to protect? (per staff report) | Environmentally sensitive riparian habitat along creek (creek and riparian vegetation) |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30251; LUP 2.2.2(4), 2.3.2(1), 2.3.2(6), 2.3.3(B)(1) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | no |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) riparian habitat 2) Page 4: use of property 3) Area 50' in width on each side of the creek, lying along and contiguous to the right and left banks of the creek; no map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | CCC-81-A |
| Instrument | DR |
| What does it serve to protect? (per staff report) | Clearing of vegetation for commercial agricultural purposes shall not be permitted in critical erosion areas; existing oak woodlands and chaparral located on portions of the property in excess of 25% slope shall be left in their native state |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30250, 30251; LUP 2.2.2(4), 2.2.3(6), 2.3.2(6), 2.3.3(A)(2), 2.3.3(A)(4), 2.5.3(C)(3)(a) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) critical erosion areas; oak woodlands and chaparral on slopes of 25% or more 2) clearing of vegetation for commercial agriculture shall not be permitted in critical erosion areas (those portions of the property in excess of 25% slope); existing oak woodlands and chaparral located on portions of the property in excess of 25% slope shall be left in their native state 3) any vegetation, oak woodlands, chaparral; areas with 25% or greater slope; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | CCC-82-A |
| Instrument | open space easement |
| What does it serve to protect? (per staff report) | Environmentally sensitive riparian habitat along the intermittent stream |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240; LUP 2.2.2(4), 2.3.2(1), 2.3.2(6), 2.3.3(B)(1) |
| Biological survey? | yes |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | no |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) environmentally sensitive riparian habitat along intermittent stream 2) states, "such easement shall provide for maintenance of the proposed vehicular crossing of the stream in a manner consistent with permanent protection of the riparian habitat"; page 4: use of property 3) easement shall extend 25 feet from the top of the stream bank on each side of the stream, and shall extend the entire length of the stream; no map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | CCC-82-B |
| Instrument | OTD for conservation easement |
| What does it serve to protect? (per staff report) | The environmentally sensitive habitat area located on a portion of the subject property (native trees, groundcover, wildlife) |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30251; LUP 2.2.2(4), 2.3.2(6) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | no |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) environmentally sensitive habitat area (native trees, groundcover, and wildlife) 2) prohibit all development; prevent disturbance of native trees, groundcover and wildlife, and to prevent damage to livestock. Construction of, and maintenance activities associated with public utility lines and appurtenant facilities are permitted. Page 4: use of property 3) no, just refers to parcel map; map |
| Does the description on the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | CCC-83-A |
| Instrument | DR |
| What does it serve to protect? (per staff report) | Maritime chaparral on slopes exceeding 25%. |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30250, 30251; LUP 2.2.2(4), 2.3.2(6), 2.3.3(A)(2) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes - all vegetation near development identified; vegetation in protected area described in text as "steeply sloping oak chaparral" and "wooded" |
| Map showing type of vegetation? | yes - except for area bordering development and protected area |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) maritime chaparral on slopes exceeding 25% 2) no disturbance on slopes exceeding 25%; no grading, tree removal, agricultural use, etc. 3) maritime chaparral on slopes exceeding 25%; no map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | CCC-83-B |
| Instrument | DR |
| What does it serve to protect? (per staff report) | Native trees, groundcover, and wildlife; no development or disturbance allowed on slopes of 30% or greater |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30250, 30251; LUP 2.2.2(3), 2.2.2(4), 2.2.3(6), 2.3.2(6) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) areas of 30% slope or greater 2) no development, nor disturbance of native trees, groundcover and wildlife, including damage by livestock within scenic easement area 3) areas where slope is 30% or greater; map |
| Does the description on the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | CCC-83-C |
| Instrument | DR |
| What does it serve to protect? (per staff report) | Oak woodlands on slopes exceeding 25% |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30251; LUP 2.2.2(4), 2.2.3(6), 2.3.2(6), 2.3.3(A)(4) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | no |
| Map indicating location of vegetation? | yes - vegetation delineated around mobile home; vegetation in other areas described in text as "eucalyptus" and "oak" |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) oak woodlands on slopes exceeding 25% 2) no disturbance of oak woodland on slopes exceeding 25% 3) oak woodland on slopes exceeding 25%; no map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | CCC-83-D |
| Instrument | DR |
| What does it serve to protect? (per staff report) | Oak woodlands and riparian habitat; chaparral on land with slopes exceeding 25%; 100 year floodplain |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30251; LUP 2.2.2(4), 2.2.3(6), 2.3.2(1), 2.3.2(6), 2.3.3(A)(2), 2.3.3(A)(4), 2.3.3(B)(1) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | no |
| Map indicating location of vegetation? | yes - oak trees outlined; chaparral described in text |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) oak woodlands, riparian areas, all chaparral on land exceeding 25% slope 2) no disturbance of oak woodlands or riparian habitat areas; all chaparral on land exceeding 25% slope shall be left undisturbed 3) oaks, riparian, chaparral on land exceeding 25% slope; no map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | CCC-84-A |
| Instrument | DR |
| What does it serve to protect? (per staff report) | Native trees, groundcover and wildlife; no development or disturbance allowed on slopes of 25% or greater |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30250, 30251; LUP 2.2.2(3), 2.2.2(4), 2.2.3(6), 2.3.2(6), 2.3.3(A)(4) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes - some vegetation outlined; remaining vegetation described in text |
| Map showing type of vegetation? | yes - some outlined vegetation not identified |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) native trees, groundcover, wildlife; areas where slope 25% or greater 2) no development or disturbance within scenic easement area, on slopes of 25% or greater 3) areas where slope 25% or greater; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | CCC-84-B |
| Instrument | DR |
| What does it serve to protect? (per staff report) | Native trees, groundcover and wildlife; no development or disturbance, including damage by livestock allowed on slopes of 25% or greater |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30250, 30251; LUP 2.2.2(3), 2.2.2(4), 2.2.3(6), 2.3.2(6), 2.3.3(A)(4) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) native trees, groundcover, wildlife; areas with slope of 25% or greater 2) no development or disturbance, including damage by livestock within scenic easement area, on slopes of 25% or greater 3) slopes of 25% or greater; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | CCC-84-C |
| Instrument | OTD for open space / conservation easement |
| What does it serve to protect? (per staff report) | Environmentally sensitive habitat area located over the hillside portion of the subject property below the 25 foot contour interval (natural habitat area, mature oak forest and wetlands) |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30250, 30251; LUP 2.2.2(4), 2.3.2(1), 2.3.2(6), 2.3.3(A)(4), 2.3.3(B)(5) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | no |
| On-site photos of conservation area? | 2 - one of Elkhorn Slough, one of oak woodland |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) environmentally sensitive habitat area located over the hillside portion of the subject property below the 25 foot contour interval (natural habitat area - mature oak forest and wetlands) 2) prohibit development and provide for the protection and preservation of the natural habitat area; page 4: use of property 3) area below 25 ft contour line; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | CCC-85-A |
| Instrument | OTD for open space / conservation easement |
| What does it serve to protect? (per staff report) | Environmentally sensitive lake habitat area plus a 100 foot setback from the landward edge of the wetland vegetation; natural habitat area, native trees, groundcover, wildlife |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30251; LUP 2.2.2(4), 2.2.3(6), 2.3.2(1), 2.3.2(6), 2.3.3(B)(4), 2.3.3(B)(5) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | no |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | yes - many photos of lake |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) lake habitat and wetland vegetation; natural habitat area, native trees, groundcover, wildlife 2) prohibit development, protect and preserve the natural habitat area, prevent disturbance of native trees, groundcover and wildlife; page 4: use of property 3) protection of the lake habitat area plus a 100 foot setback from the landward edge of the wetland vegetation; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | CCC-85-B |
| Instrument | DR |
| What does it serve to protect? (per staff report) | Native trees, groundcover and wildlife; no development or disturbance allowed on slopes of 25% or greater |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30250, 30251; LUP 2.2.2(3), 2.2.2(4), 2.2.3(6), 2.3.2(6), 2.3.3(A)(4) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) native trees, groundcover, wildlife; areas where slope 25% or more 2) no development or disturbance within scenic easement area, on slopes of 25% or greater 3) areas where slope 25% or greater; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | CCC-85-C |
| Instrument | open space / conservation easement |
| What does it serve to protect? (per staff report) | Native trees, oak woodland, groundcover and wildlife; areas where slope 25% or greater |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30250, 30251; LUP 2.2.2(4), 2.2.3(6), 2.3.2(6), 2.3.3(A)(4) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | no |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) native trees, oak woodland, groundcover, wildlife; areas where slope exceeds 25% 2) preclude development, except for the approved driveway and utilities to be placed along driveway, on slopes of 25% or greater; page 4: use of property 3) areas where slope 25% or greater; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | CCC-85-D |
| Instrument | OTD for open space / conservation easement |
| What does it serve to protect? (per staff report) | Slough and wetland vegetation along slough |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30230, 30231, 30240, 30251; LUP 2.2.2(4), 2.3.2(1), 2.3.2(6), 2.3.3(B)(4) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | no |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) slough and wetland vegetation along slough 2) restrict the permittee from undertaking development within the easement area except for resource dependent uses or for flood control purposes; page 4: use of property 3) such easement shall be over the entire width of the property extending 100 ft. in from the landward edge of the wetland vegetation along a particular slough. The permittees shall submit a survey by a professional engineer or surveyor legally describing the easement area; exhibit "B" contains legal description; no map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | CCC-85-E |
| Instrument | OTD for open space easement |
| What does it serve to protect? (per staff report) | Slough and wetland vegetation along slough |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30230, 30231, 30240; LUP 2.2.2(4), 2.3.2(1), 2.3.2(5), 2.3.2(6), 2.3.3(B)(4), 2.3.3(B)(5) |
| Biological survey? | yes |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) slough and wetland vegetation along slough 2) restrict permittee from undertaking development within the easement area except for approved resource dependent uses, flood control purposes, or minimal access improvements; page 4: use of property 3) from the entire northerly boundary of the property to a line 100 feet inland from the landward edge of wetland vegetation along a particular slough; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | CCC-86-A |
| Instrument | DR |
| What does it serve to protect? (per staff report) | Native trees, groundcover and wildlife; no development or disturbance allowed on slopes of 25% or greater |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30250, 30251; LUP 2.2.2(4), 2.2.2(3), 2.2.3(6), 2.3.2(6), 2.3.3(A)(4) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | no |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) native trees, groundcover and wildlife; no development or disturbance allowed on slopes of 25% or greater 2) no development nor disturbance of native trees, etc. 3) areas where slope 25% or greater; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | CCC-86-B |
| Instrument | DR |
| What does it serve to protect? (per staff report) | Native trees, groundcover and wildlife; no development or disturbance allowed on slopes of 25% or greater |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30250, 30251; LUP 2.2.2(4), 2.2.2(3), 2.2.3(6), 2.3.2(6), 2.3.3(A)(4) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | no |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes - some vegetation outlined; remaining vegetation described in text as "oaks" and "brush" |
| Map showing type of vegetation? | yes - outlined vegetation not identified |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) native trees, oak woodland, groundcover, wildlife 2) no development nor disturbance shall be allowed within the scenic easement area, on slopes of 25% or greater 3) areas where slope 25% or greater; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | CCC-86-C |
| Instrument | OTD for open space / conservation easement |
| What does it serve to protect? (per staff report) | Scenic and natural habitat values; oak woodland area |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30250, 30251; LUP 2.2.2(4), 2.3.2(6), 2.3.3(A)(4) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes - some vegetation outlined; remained vegetation described in text as "oaks" |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | yes (black and white) |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) scenic and natural habitat values; oak woodland area 2) no, just that it's an easement; page 4: use of property 3) no, just refers to parcel map; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | CCC-87-A |
| Instrument | OTD for open space / conservation easement |
| What does it serve to protect? (per staff report) | Environmentally sensitive habitat area located within the slough's floodplain (wetland); archaeological resources |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30230, 30231, 30240, 30244, 30251; LUP 2.2.2(4), 2.3.2(1), 2.3.2(6), 2.3.3(B)(4), 2.3.3(B)(5), 2.9.2(3), 2.9.2(4) |
| Biological survey? | no |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) environmentally sensitive habitat area located within the slough floodplain (wetland); archaeological resources 2) prohibit development, provide for the protection and preservation of the natural habitat area, prevent disturbance of native trees, groundcover and wildlife; Page 4: use of property 3) generally below an elevation of 10 feet above sea level, plus a 100 ft setback from the landward edge of the wetland vegetation; shall also include the archaeology site as referenced in the Preliminary Archaeology report; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | CCC-87-B |
| Instrument | OTD for open space / conservation easement |
| What does it serve to protect? (per staff report) | The environmentally sensitive habitat area located within the slough floodplain; native trees, groundcover, and wildlife |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30230, 30231, 30240, 30251; LUP 2.2.2(4), 2.3.2(1), 2.3.2(5), 2.3.2(6), 2.3.3(B)(4), 2.3.3(B)(5) |
| Biological survey? | yes |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | no |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) the environmentally sensitive habitat area located within the slough floodplain; native trees, groundcover, and wildlife 2) prohibit development, to provide for protection and preservation of the natural habitat area; Page 4: use of property 3) the environmentally sensitive habitat area located within the slough's floodplain (generally below an elevation of 10 feet above sea level) plus a 100 foot setback from the landward edge of the wetland vegetation; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | CCC-87-C |
| Instrument | OTD for open space / conservation easement |
| What does it serve to protect? (per staff report) | Environmentally sensitive habitat area located within the slough floodplain; wetland vegetation; native trees, groundcover, and wildlife |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30230, 30231, 30240, 30251; LUP 2.2.2(4), 2.3.2(1), 2.3.2(5), 2.3.2(6), 2.3.3(B)(4), 2.3.3(B)(5) |
| Biological survey? | yes - one page |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | yes - one outlined area not identified |
| Aerial photo of site? | no |
| On-site photos of conservation area? | yes - many photos of easement area |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) sensitive habitat area located within the slough floodplain and wetland vegetation; native trees, groundcover, and wildlife 2) prohibit development, protect and preserve natural habitat area, prevent disturbance of native trees, groundcover and wildlife; page 4 use of property 3) area within the slough floodplain (generally below an elevation of 10 feet above sea level) plus 100-foot setback from the landward edge of the wetland vegetation; native trees, groundcover, and wildlife; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

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|--|---|
| Permit Number | MCO-88-A |
| Instrument | conservation easement |
| What does it serve to protect? (per staff report) | Maritime chaparral |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30251; LUP 2.2.2(4), 2.2.3(6), 2.3.2(1), 2.3.2(6), 2.3.3(A)(2) |
| Biological survey? | yes |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes - two oak trees outlined; remaining vegetation described in text as "chaparral" and "oak woodland" |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) maritime chaparral 2) restrict development on and use of the property so as to preserve the open space, scenic, and/or natural resource values present on the property 3) areas containing maritime chaparral; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

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|--|--|
| Permit Number | MCO-90-A |
| What does it serve to protect? (per staff report) | Where slope exceeds 25% and where the parcel contains maritime chaparral |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30251; LUP 2.2.2(4), 2.3.2(1), 2.3.2(6), 2.3.3(A)(2) |
| Biological survey? | yes |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes - some vegetation outlined; remaining vegetation described in text |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | no |
| On-site photos of conservation area? | yes |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) where slope exceeds 25% and where the parcel contains maritime chaparral 2) easement shall allow for no exceptions for gazebos, platform decks or formal trails; page 4: restrictions, exceptions and reservations 3) where slope exceeds 25% and where the parcel contains maritime chaparral; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | MCO-90-B |
| Instrument | scenic easement |
| What does it serve to protect? (per staff report) | Area subject to inundation and that portion of the property where the slope exceeds 25%; oak woodland in areas where slope 25% or more |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30251; LUP 2.2.2(4), 2.2.3(6), 2.3.2(1), 2.3.2(6), 2.3.3(A)(4), 2.3.3(B)(5) |
| Biological survey? | yes |
| Map delineating existing structures? | no |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | yes - not all vegetation identified |
| Aerial photo of site? | no |
| On-site photos of conservation area? | yes - 10 photos |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) area subject to inundation; areas where the slope exceeds 25% 2) restrict development on and use of the property to preserve the open space, scenic, and/or natural resource values present on the property; Page 4: restrictions, exceptions and reservations 3) area subject to inundation and that portion of the property where the slope exceeds 25%; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | MCO-92-A |
| Instrument | scenic easement |
| What does it serve to protect? (per staff report) | Where slope exceeds 25% |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30251; LUP 2.2.2(4), 2.2.3(6), 2.3.2(6) |
| Biological survey? | yes |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | yes |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) where slope exceeds 25%, excluding portions of the proposed right-a-way 2) Page 3: restrictions, exceptions and reservations 3) where slope exceeds 25%; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | MCO-93-A |
| Instrument | scenic easement |
| What does it serve to protect? (per staff report) | Where slope exceeds 25%; all maritime chaparral; all areas within 100 feet of environment and riparian habitat |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240; LUP 2.2.3(6), 2.3.2(1), 2.3.2(6), 2.3.3(A)(2), 2.3.3(B)(1) |
| Biological survey? | yes |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | yes |
| Map indicating location of vegetation? | yes |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) where slope exceeds 25%; all maritime chaparral; all areas within 100 feet of environment and riparian habitat 2) yes, Page 3: restrictions, exceptions and reservations 3) where slope exceeds 25%; all maritime chaparral; all areas within 100 feet of environment and riparian habitat ; map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|---|
| Permit Number | MCO-96-A |
| Instrument | scenic easement |
| What does it serve to protect? (per staff report) | Sensitive biological habitats (coast live oak forest and central maritime chaparral) |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30251; LUP 2.2.3(6), 2.3.2(1), 2.3.2(6), 2.3.3(A)(2), 2.3.3(A)(4) |
| Biological survey? | yes |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | no |
| Map indicating location of vegetation? | no |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) coast live oak and central maritime chaparral 2) restrict development on and use of the property so as to preserve the open space, scenic, and/or natural resource values present on the property and so as to prevent the adverse direct and cumulative effects on coastal resources and public access to the coast which could occur if the property were not restricted in accordance with the easement. Page 3: restrictions, exceptions and reservations 3) coast live oak and central maritime chaparral; exhibit "D" contains legal description; no map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 1 - Continued

| | |
|--|--|
| Permit Number | MCO-98-A |
| Instrument | scenic easement |
| What does it serve to protect? (per staff report) | Areas where slope exceeds 25% and maritime chaparral exists |
| Does the purpose of the easement, OTD, or DR support the objectives of the Coastal Act and the Monterey County LCP? | yes - Coastal Act 30001.5, 30231, 30240, 30251; LUP 2.2.2(4), 2.3.2(1), 2.3.2(6), 2.3.3(A)(2) |
| Biological survey? | yes |
| Map delineating existing structures? | yes |
| Map showing proposed structures? | yes |
| Map delineating area to be protected? | no |
| Map indicating location of vegetation? | no |
| Map showing type of vegetation? | no |
| Aerial photo of site? | no |
| On-site photos of conservation area? | no |
| Does the legal document contain a clear description of what the conservation measure serves to protect? 1) ID of resources protected 2) description of how resources will be protected 3) delineation of area to be protected (in words and on a map) | 1) maritime chaparral where slopes 25% or greater 2) no, just stated as scenic easement 3) areas exceeding 25% slope and chaparral; no map |
| Does the description in the legal document correspond with the special condition of the staff report? | yes |

Table 2. Permit File Scores

| Permit # | Instrument | Purpose support objectives? | Biological survey? | Map w/ existing structures? | Map w/ proposed structures? | Map w/ protected area? | Map w/ location of vegetation? | Map w/ type of vegetation? | Aerial photo? | On-site photos? | ID of resources protected? | How resources protected? | Area protected (in words)? | Area protected (map)? | Legal doc. correspond w/ staff report? | Sum |
|----------|------------|-----------------------------|--------------------|-----------------------------|-----------------------------|------------------------|--------------------------------|------------------------------|---------------|-----------------|----------------------------|--------------------------|----------------------------|-----------------------|--|-----|
| | | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | all: 2 some: 1 none: 0 | all: 2 some: 1 none: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | |
| CCC-80-A | EASE | 1 | 0 | 1 | 1 | 0 | 2 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 9 |
| CCC-81-A | DR | 1 | 0 | 1 | 1 | 1 | 2 | 2 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 13 |
| CCC-82-A | EASE | 1 | 1 | 1 | 1 | 0 | 2 | 2 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 12 |
| CCC-82-B | OTD | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 1 | 1 | 8 |
| CCC-83-A | DR | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 10 |
| CCC-83-B | DR | 1 | 0 | 1 | 1 | 1 | 2 | 2 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 13 |
| CCC-83-C | DR | 1 | 0 | 1 | 1 | 0 | 1 | 2 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 10 |
| CCC-83-D | DR | 1 | 0 | 1 | 1 | 0 | 1 | 2 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 10 |
| CCC-84-A | DR | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 11 |
| CCC-84-B | DR | 1 | 0 | 1 | 1 | 1 | 2 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 11 |
| CCC-84-C | OTD | 1 | 0 | 1 | 1 | 1 | 2 | 2 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 14 |
| CCC-85-A | OTD | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 10 |
| CCC-85-B | DR | 1 | 0 | 1 | 1 | 1 | 2 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 11 |
| CCC-85-C | EASE | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 9 |
| CCC-85-D | OTD | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 8 |
| CCC-85-E | OTD | 1 | 1 | 1 | 1 | 1 | 2 | 2 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 14 |

Table 2 - Continued

| Permit # | Instrument | Purpose support objectives? | Biological survey? | Map w/ existing structures? | Map w/ proposed structures? | Map w/ protected area? | Map w/ location of vegetation? | Map w/ type of vegetation? | Aerial photo? | On-site photos? | ID of resources protected? | How resources protected? | Area protected (in words)? | Area protected (map)? | Legal doc. correspond w/ staff report? | Sum |
|----------|------------|-----------------------------|--------------------|-----------------------------|-----------------------------|------------------------|--------------------------------|------------------------------|---------------|-----------------|----------------------------|--------------------------|----------------------------|-----------------------|--|-----|
| | | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | all: 2 some: 1 none: 0 | all: 2 some: 1 none: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | y: 1 n: 0 | |
| CCC-86-A | DR | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 9 |
| CCC-86-B | DR | 1 | 0 | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 10 |
| CCC-86-C | OTD | 1 | 0 | 1 | 1 | 1 | 1 | 2 | 1 | 0 | 1 | 1 | 0 | 1 | 1 | 12 |
| CCC-87-A | OTD | 1 | 0 | 1 | 1 | 1 | 2 | 2 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 13 |
| CCC-87-B | OTD | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 10 |
| CCC-87-C | OTD | 1 | 1 | 1 | 1 | 1 | 2 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 14 |
| MCO-88-A | EASE | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 13 |
| MCO-90-A | EASE | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 14 |
| MCO-90-B | EASE | 1 | 1 | 0 | 1 | 1 | 2 | 1 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 13 |
| MCO-92-A | EASE | 1 | 1 | 1 | 1 | 1 | 2 | 2 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 14 |
| MCO-93-A | EASE | 1 | 1 | 1 | 1 | 1 | 2 | 0 | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 12 |
| MCO-96-A | EASE | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 0 | 1 | 8 |
| MCO-98-A | EASE | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 7 |

Table 3. Permit File Score Breakdown

| Purpose support objectives of Coastal Act and LCP? | | |
|---|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 10 | 0 |
| OTD | 9 | 0 |
| DR | 10 | 0 |
| Count | 29 | 0 |

| Biological survey? | | |
|---------------------------|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 8 | 2 |
| OTD | 3 | 6 |
| DR | 0 | 10 |
| Count | 11 | 18 |

| Map w/ existing structures? | | |
|------------------------------------|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 9 | 1 |
| OTD | 9 | 0 |
| DR | 10 | 0 |
| Count | 28 | 1 |

| Map w/ proposed structures? | | |
|------------------------------------|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 10 | 0 |
| OTD | 9 | 0 |
| DR | 9 | 1 |
| Count | 28 | 1 |

| Map w/ protected area? | | |
|-------------------------------|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 6 | 4 |
| OTD | 9 | 0 |
| DR | 8 | 2 |
| Count | 23 | 6 |

| Map w/ location of vegetation? | | | |
|---------------------------------------|---------------|----------------|----------------|
| | all: 2 | some: 1 | none: 0 |
| EASE | 5 | 2 | 3 |
| OTD | 4 | 1 | 4 |
| DR | 4 | 5 | 1 |
| Count | 13 | 8 | 8 |

| Map w/ type of vegetation? | | | |
|-----------------------------------|---------------|----------------|----------------|
| | all: 2 | some: 1 | none: 0 |
| EASE | 4 | 1 | 5 |
| OTD | 4 | 1 | 4 |
| DR | 4 | 3 | 3 |
| Count | 12 | 5 | 12 |

Table 3 - Continued

| Aerial photo of site? | | |
|------------------------------|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 0 | 10 |
| OTD | 1 | 8 |
| DR | 0 | 10 |
| Count | 1 | 28 |

| ID of resources protected? | | |
|-----------------------------------|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 10 | 0 |
| OTD | 9 | 0 |
| DR | 10 | 0 |
| Count | 29 | 0 |

| Delineation of area protected (in words)? | | |
|--|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 10 | 0 |
| OTD | 7 | 2 |
| DR | 10 | 0 |
| Count | 27 | 2 |

| Legal document correspond w/ staff report? | | |
|---|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 10 | 0 |
| OTD | 9 | 0 |
| DR | 10 | 0 |
| Count | 29 | 0 |

| On-site photos of conservation area? | | |
|---|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 2 | 8 |
| OTD | 3 | 6 |
| DR | 0 | 10 |
| Count | 5 | 24 |

| Description of how resources protected? | | |
|--|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 9 | 1 |
| OTD | 9 | 0 |
| DR | 10 | 0 |
| Count | 28 | 1 |

| Delineation of area protected (map)? | | |
|---|---------------|--------------|
| | yes: 1 | no: 0 |
| EASE | 6 | 4 |
| OTD | 8 | 1 |
| DR | 7 | 3 |
| Count | 21 | 8 |

Table 4. Site Visits For Permit Files

| Site Visits | | | |
|---------------|------------|-------|--|
| Permit Number | Instrument | Score | Effectiveness (based on site visits) |
| CCC-80-A | EASE | 9 | 3 |
| CCC-82-B | OTD | 8 | 3 |
| CCC-84-C | OTD | 14 | 2 |
| CCC-85-D | OTD | 8 | 1 |
| CCC-85-E | OTD | 14 | 2 |
| MCO-88-A | EASE | 13 | 3 |
| MCO-90-B | EASE | 13 | 0 |
| MCO-93-A | EASE | 12 | 3 |
| MCO-96-A | EASE | 8 | not able to determine |
| MCO-98-A | EASE | 7 | not able to determine |

| Type of Permit File | Effectiveness (based on site visits) | | | | |
|-------------------------------------|--------------------------------------|---|---|---|--|
| | 3 | 2 | 1 | 0 | |
| Well Documented Permit File | 1 | 2 | 0 | 2 | |
| Poorly Documented Permit File | 2 | 0 | 1 | 0 | |

Table 5. Landowner Relationships

| Permit # | Instrument | Aware of conservation measure? | Been approached by CCC, MCO, Coastal Conservancy? | Any benefits (or potential benefits) from conservation measure? | Anything you dislike about conservation measure? | Manner, tone, body language, facial expressions (positive or negative attitude) | Deducted type of relationship with CCC, Monterey County, Coastal Conservancy | Effectiveness (based on site visits) |
|----------|------------|--------------------------------|---|--|--|--|--|--------------------------------------|
| CCC-82-A | EASE | yes | yes | no | Little environmental benefit: easement is 1/4 mile isolated stretch; after that riparian area runs through agricultural fields | <ul style="list-style-type: none"> smiling calm manner used hands, sometimes hands folded on table (positive) | positive | 0 |
| CCC-83-A | DR | no | no | <ul style="list-style-type: none"> erosion protection protection of endangered plants and wildlife | not being informed about it when they bought the property | <ul style="list-style-type: none"> calm apprehensive (negative) | negative | 0 |

Table 5 - Continued

| Permit # | Instrument | Aware of conservation measure? | Been approached by CCC, MCO, Coastal Conservancy? | Any benefits (or potential benefits) from conservation measure? | Anything you dislike about conservation measure? | Manner, tone, body language, facial expressions (positive or negative attitude) | Deducted type of relationship with CCC, Monterey County, Coastal Conservancy | Effectiveness (based on site visits) |
|----------|------------|--------------------------------|---|---|--|---|--|--------------------------------------|
| CCC-83-C | DR | yes | no | <ul style="list-style-type: none"> increase in the value of the property; well maintained oaks in residential areas raise value of property attracts wildlife such as quail | no | <ul style="list-style-type: none"> calm used hands smiled occasionally, but appeared more serious (positive) | positive | 3 |
| CCC-84-B | DR | yes | no | N/A - telephone interview | N/A - telephone interview | <ul style="list-style-type: none"> hesitant in answering questions lots of pauses defensive in tone (negative) | negative | not able to determine |

Table 5 - Continued

| Permit # | Instrument | Aware of conservation measure? | Been approached by CCC, MCO, Coastal Conservancy? | Any benefits (or potential benefits) from conservation measure? | Anything you dislike about conservation measure? | Manner, tone, body language, facial expressions (positive or negative attitude) | Deducted type of relationship with CCC, Monterey County, Coastal Conservancy | Effectiveness (based on site visits) |
|----------|------------|--------------------------------|---|--|--|--|--|--------------------------------------|
| CCC-84-C | OTD | yes | no | <ul style="list-style-type: none"> goodwill feelings by being able to contribute to the Elkhorn Slough Sanctuary scenic and wildlife preservation for self and others regeneration of the oak | no | <ul style="list-style-type: none"> smiling laughing appeared at ease (positive) | positive | 2 |
| CCC-85-E | OTD | no | no | Protects land in perpetuity | no | <ul style="list-style-type: none"> smiled occasionally serious (negative) | negative | 2 |

Table 5 - Continued

| Permit # | Instrument | Aware of conservation measure? | Been approached by CCC, MCO, Coastal Conservancy? | Any benefits (or potential benefits) from conservation measure? | Anything you dislike about conservation measure? | Manner, tone, body language, facial expressions (positive or negative attitude) | Deducted type of relationship with CCC, Monterey County, Coastal Conservancy | Effectiveness (based on site visits) |
|----------|------------|--------------------------------|---|--|--|---|--|--------------------------------------|
| MCO-88-A | EASE | yes | no | no | not having control over your own land | <ul style="list-style-type: none"> serious no smiling curt in his responses (negative) | negative | 3 |
| MCO-90-B | EASE | yes | no | <ul style="list-style-type: none"> privacy provided by the trees prevents landowner from having to look at housing development across from house | no | <ul style="list-style-type: none"> smiling relaxed hands on table appeared confident (positive) | positive | 0 |

Table 5 - Continued

| | | | | | | | | | | |
|------------|----------|------|--------------------------------|---|--|--|--|--|---|--------------------------------------|
| Permit # | MCO-93-A | EASE | yes | no | <ul style="list-style-type: none"> • animal and plant preservation • scenic and wildlife preservation for self and others • better living condition | no | <ul style="list-style-type: none"> • smiling • calm manner • hands behind back or in pockets • hands appeared confident and knowledgeable (positive) | positive | 3 | Effectiveness (based on site visits) |
| Instrument | | | Aware of conservation measure? | Been approached by CCC, MCO, Coastal Conservancy? | Any benefits (or potential benefits) from conservation measure? | Anything you dislike about conservation measure? | Manner, tone, body language, facial expressions (positive or negative attitude) | Deducted type of relationship with CCC, Monterey County, Coastal Conservancy | | |

Table 6. Ownership Changes

| Permit # | Instrument | Ownership Change? | Effectiveness (based on site visit) | Aware of conservation measure? | Terms and conditions of conservation measure (per legal document)? | What do you understand terms and conditions of conservation measure to be? | Have copy of legal document? | Clear about permitted and restricted uses over property? (after furnishing legal document) |
|----------|------------|-------------------|-------------------------------------|--------------------------------|--|--|------------------------------|---|
| CCC-82-A | EASE | no | 0 | yes | No development (i.e. removal of trees and other major vegetation, grading, paving, installation of structures such as signs, buildings, etc.) allowed (except for maintenance of vehicular crossing of the stream) on riparian area (25 feet from top of the stream bank on each side of the stream) | <ul style="list-style-type: none"> No permanent structures on easement Can use for anything that does not destroy riparian environment | yes | Now she is clear. When easement first put into place, unclear about the clearing of downed trees and debris in the creek, so asked for clarification from DFG |
| CCC-83-A | DR | yes | 0 | no | No disturbance (grading, tree removal, agricultural use, etc.) of maritime chaparral on slopes exceeding 25% slope | N/A - not aware | no | Unclear about what disturbance means |
| CCC-83-C | DR | yes | 3 | yes | No disturbance (grading, tree removal, agricultural use, etc.) of oak woodland on slopes exceeding 25% slope | Don't cut any oak trees down on property; able to clear shrubs and trim falling branches | yes | Unclear about tree trimming and maintenance |

Table 6 - Continued

| Permit # | Instrument | Ownership Change? | Effectiveness (based on site visit) | Aware of conservation measure? | Terms and conditions of conservation measure (per legal document)? | What do you understand terms and conditions of conservation measure to be? | Have copy of legal document? | Clear about permitted and restricted uses over property? (after furnishing legal document) |
|----------|------------|-------------------|-------------------------------------|--------------------------------|---|--|------------------------------|--|
| CCC-84-B | DR | no | not able to determine | yes | No development nor disturbance of native trees, groundcover or wildlife, shall be allowed on slopes of 25% or greater | No development on area of property containing easement; where slope large | yes | Not too clear |
| CCC-84-C | OTD | yes | 2 | yes | No development (i.e. removal of trees and other major vegetation, grading, paving, installation of structures such as signs, buildings, etc.) shall be allowed on the environmentally sensitive habitat (mature oak forest and wetlands) located over the hillside portion of the subject property below the 25 foot contour interval | Can't do anything to that area of the property; area to be left as it is (can't cut or trim trees) | no | Unclear about the meaning of the 25 foot contour line |

Table 6 - Continued

| | | | | | | | | | | | | | | | | | |
|----------|----------|------------|-----|-------------------|-----|-------------------------------------|---|--------------------------------|----|--|--|--|-----------------|------------------------------|----|--|-----|
| Permit # | CCC-85-E | Instrument | OTD | Ownership Change? | yes | Effectiveness (based on site visit) | 2 | Aware of conservation measure? | no | Terms and conditions of conservation measure (per legal document)? | No development (i.e. removal of trees and other major vegetation, grading, paving, installation of structures such as signs, buildings, etc.) shall be allowed (except for approved resource-dependent uses, flood control purposes, or minimal access improvements) from the entire northerly boundary of the property line 100 feet inland from the landward edge of wetland vegetation along a slough | What do you understand terms and conditions of conservation measure to be? | N/A - not aware | Have copy of legal document? | no | Clear about permitted and restricted uses over property? (after furnishing legal document) | yes |
|----------|----------|------------|-----|-------------------|-----|-------------------------------------|---|--------------------------------|----|--|--|--|-----------------|------------------------------|----|--|-----|

Table 6 - Continued

| Permit # | Instrument | Ownership Change? | Effectiveness (based on site visit) | Aware of conservation measure? | Terms and conditions of conservation measure (per legal document)? | What do you understand terms and conditions of conservation measure to be? | Have copy of legal document? | Clear about permitted and restricted uses over property? (after furnishing legal document) |
|----------|------------|-------------------|-------------------------------------|--------------------------------|---|---|------------------------------|--|
| MCO-88-A | EASE | no | 3 | yes | No placement of structures; no advertising; do not plant any vegetation except vegetation that is native to the area or otherwise would not adversely affect native vegetation; maintain general topography in its present condition over areas containing maritime chaparral | No altering of area in any way, shape or form (no planting, construction, or ground clearing) | yes | yes |
| MCO-90-B | EASE | yes | 0 | yes | No placement of structures, advertising; do not plant any vegetation, maintain general topography in its present condition over area subject to inundation and areas where slope exceeds 25% | Don't cut down grove of eucalyptus next to house | yes | Understands all except: 1) "conveyed to county" & "inundation" 2) Who is responsible for maintenance in the easement area? 3) What guidelines are used for maintenance? |

Table 6 - Continued

| | | | | | | | | | | | | | | | | | |
|----------|----------|------------|------|-------------------|-----|-------------------------------------|---|--------------------------------|-----|--|--|--|--|------------------------------|-----|--|-----|
| Permit # | MCO-93-A | Instrument | EASE | Ownership Change? | yes | Effectiveness (based on site visit) | 3 | Aware of conservation measure? | yes | Terms and conditions of conservation measure (per legal document)? | No placement of structures (except fences and/or drainage and erosion structures); no advertising; do not plant any vegetation except erosion control planting and/or native plant landscaping; maintain general topography in its present condition over areas where slope exceeds 25% and Maritime Chaparral and all areas within 100 feet of environment and riparian habitat | What do you understand terms and conditions of conservation measure to be? | Area designated is to be left alone in its natural state | Have copy of legal document? | yes | Clear about permitted and restricted uses over property? (after furnishing legal document) | yes |
|----------|----------|------------|------|-------------------|-----|-------------------------------------|---|--------------------------------|-----|--|--|--|--|------------------------------|-----|--|-----|

Table 7. Monitoring Protocol

| Question | California Coastal Commission | Monterey County | California Coastal Conservancy |
|--|--|--|---|
| Is a monitoring plan in place? | <ul style="list-style-type: none"> no plan in place; if monitoring exists, it would be notated in the individual permit requirement | <ul style="list-style-type: none"> not specifically for easements; mitigation monitoring and/or reporting program in place for all permits | <ul style="list-style-type: none"> no |
| When did this plan become effective? | N/A | N/A | N/A |
| What does this plan contain? | N/A | N/A | N/A |
| How much staff time is devoted to monitoring? | N/A | N/A | N/A |
| If a monitoring plan is not in place, has a plan been in place in the past? | <ul style="list-style-type: none"> no | <ul style="list-style-type: none"> no | <ul style="list-style-type: none"> no |
| If a monitoring plan is not in place, what is being done to ensure that the resources are being protected? | <ul style="list-style-type: none"> learn about violations through general public, concerned citizens, site reviews/site visits, aerial photos | <ul style="list-style-type: none"> future projects for property would provoke planners to look at easement area learn about violations from general public and neighbors neighbors and planners know about sensitive areas (most development controversial) | <ul style="list-style-type: none"> nothing being done by Conservancy, but other legal instruments in place: local neighboring property interests, building and planning departments in MCO |

Table 7 - Continued

| Question | California Coastal Commission | Monterey County | California Coastal Conservancy |
|--|---|--|---|
| What obstacles does your agency face in developing and implementing a monitoring plan? | <ul style="list-style-type: none"> • limited staff time due to workloads and budget restrictions • agency has not prioritized condition compliance over other tasks • lack of technical resources (GIS, mapping, satellite imagery) • complicated legal process | <ul style="list-style-type: none"> • staffing resources • large workloads • more concern with acquiring the easement that with monitoring • urgency has not been created | <ul style="list-style-type: none"> • staffing resources • lack of funding to hire additional staff • little motivation because not an enforcement agency (better to be handled on local level) |

Table 8. Conservation Measures Monitored

| Instrument | Been approached by CCC, MCO, Coastal Conservancy? | | How Landowners Contacted | Actions Taken During Site Visit | Frequency of Site Visits |
|------------|--|----|---------------------------------|--|---------------------------------------|
| | yes | no | ● phone call then site visit | ● easement area inspected ● photos taken | ● once every three years (average) |
| EASE | 1 | 3 | | | |
| OTD | 0 | 2 | | | |
| DR | 0 | 3 | | | |
| Total | 1 | 8 | | | |

Table 9. Monitoring and Effectiveness

| Permit Number | Instrument | Agency Responsible for Conservation Measure | Monitoring Plan in Place? | Effectiveness (based on site visits) |
|---------------|------------|---|------------------------------|--|
| CCC-80-A | EASE | Coastal Conservancy | no | 3 |
| CCC-82-A | EASE | Coastal Conservancy | no | 0 |
| CCC-82-B | OTD | CCC | no | 3 |
| CCC-83-A | DR | CCC | no | 0 |
| CCC-83-C | DR | CCC | no | 3 |
| CCC-84-B | DR | CCC | no | not able to determine |
| CCC-84-C | OTD | CCC | no | 2 |
| CCC-85-D | OTD | CCC | no | 1 |
| CCC-85-E | OTD | CCC | no | 2 |
| MCO-88-A | EASE | MCO | no | 3 |
| MCO-90-B | EASE | MCO | no | 0 |
| MCO-93-A | EASE | MCO | no | 3 |
| MCO-96-A | EASE | MCO | no | not able to determine |
| MCO-98-A | EASE | MCO | no | not able to determine |

Table 10. Enforcement Protocol

| Question | California Coastal Commission | Monterey County | California Coastal Conservancy |
|---|---|---|--|
| Is an enforcement plan in place? | <ul style="list-style-type: none"> no, but have Enforcement staff that respond and follow up on identified violations of the Coastal Act | <ul style="list-style-type: none"> no, but code enforcement handles all violations | <ul style="list-style-type: none"> no |
| When did this plan become effective? | N/A | N/A | N/A |
| What does this plan contain? | N/A | N/A | N/A |
| How much staff time is devoted to enforcement? | N/A | N/A | N/A |
| If an enforcement plan is not in place, has a plan been in place in the past? | <ul style="list-style-type: none"> no | <ul style="list-style-type: none"> no | <ul style="list-style-type: none"> no |

Table 10 - Continued

| Question | California Coastal Commission | Monterey County | California Coastal Conservancy |
|---|--|---|---|
| If an enforcement plan is not in place, what is being done in the way of enforcement if a violation arises? | <ul style="list-style-type: none"> • try to first resolve issue by having planner contact landowner • if unable to resolve, planner refers case to enforcement staff • enforcement staff takes steps to resolve violation (i.e. calls and/or writes letter to landowner) • if the violation cannot be resolved at the District level, case elevated to headquarters in San Francisco for resolution. | <ul style="list-style-type: none"> • determination made if violation exists • notice sent to landowner • landowner contacted verbally and in writing • landowner required to remedy violation • in some instances, the District Attorney and/or County Counsel may file a case in court in the nature of an injunction to compel the landowner to remedy the violation | <ul style="list-style-type: none"> • if alerted of a violation, would first contact someone at the local level to investigate whether to violation exists, and to check status of the violation. • try to resolve violation by contacting property owner • would contact appropriate law enforcement agency to resolve issue |

Table 10 - Continued

| Question | California Coastal Commission | Monterey County | California Coastal Conservancy |
|--|--|--|---|
| What obstacles does your agency face in developing and implementing an enforcement plan? | <ul style="list-style-type: none"> • staffing resources • coordination within the agency • cooperation from local governments • urgency has not been adequately demonstrated | <ul style="list-style-type: none"> • staffing resources • urgency has not been created | <ul style="list-style-type: none"> • staffing resources • urgency has not been revealed |

Table 11. Enforcement and Effectiveness

| Permit Number | Instrument | Agency Responsible for Conservation Measure | Enforcement Plan in Place? | Effectiveness (based on site visits) |
|---------------|------------|---|-------------------------------|--|
| CCC-80-A | EASE | Coastal Conservancy | no | 3 |
| CCC-82-A | EASE | Coastal Conservancy | no | 0 |
| CCC-82-B | OTD | CCC | no | 3 |
| CCC-83-A | DR | CCC | no | 0 |
| CCC-83-C | DR | CCC | no | 3 |
| CCC-84-B | DR | CCC | no | not able to determine |
| CCC-84-C | OTD | CCC | no | 2 |
| CCC-85-D | OTD | CCC | no | 1 |
| CCC-85-E | OTD | CCC | no | 2 |
| MCO-88-A | EASE | MCO | no | 3 |
| MCO-90-B | EASE | MCO | no | 0 |
| MCO-93-A | EASE | MCO | no | 3 |
| MCO-96-A | EASE | MCO | no | not able to determine |
| MCO-98-A | EASE | MCO | no | not able to determine |

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APPENDICES

APPENDIX A**List of Acronyms and Glossary**

CCC- California Coastal Commission

DFG – Department of Fish and Game

DR – Deed restriction

EASE – Conservation easement

FLAN – Final Local Action Notice

GPS – Global Positioning System

LCP – Local Coastal Program

LUP – Land Use Plan

OTD – Offer to dedicate

TNC – The Nature Conservancy

Environmentally sensitive area – “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments” (CCC 2001a)

Final Local Action Notice – notice sent to CCC when county with certified LCP issues a permit in the coastal zone

Inundation – an area subject to flooding

Wetland – “lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens” (CCC 2001a)

APPENDIX B**Permit Process for CCC and Monterey County****CCC Permit Process**

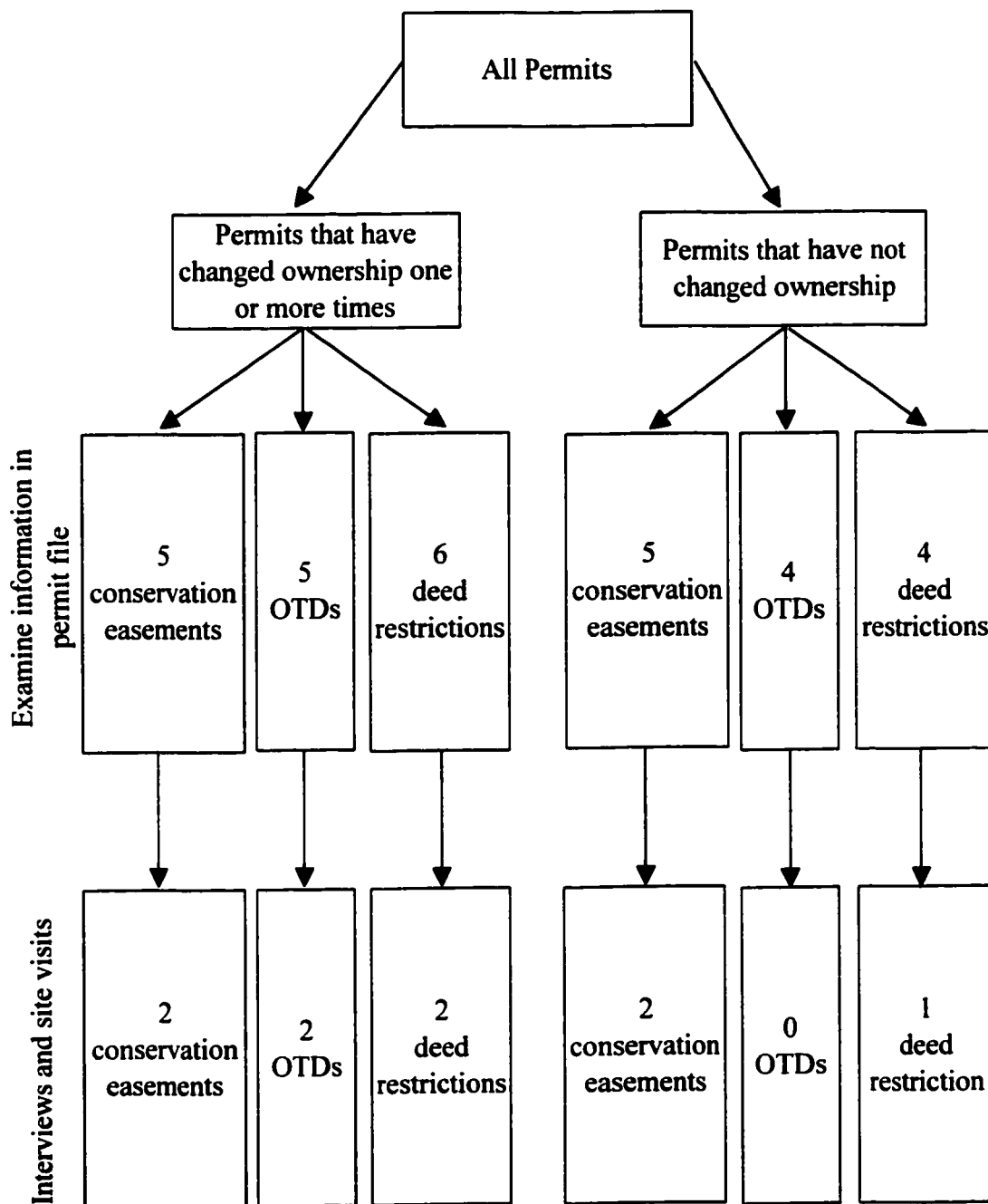
- 1) Applicant applies for permit (application includes project description, grading plan, resources impacted, etc.)
- 2) CCC files application; agency has 49 days to evaluate the permit application for completeness and to develop a staff recommendation
- 3) Staff report written analyzing the impacts the project may have on certain resources, and recommending denial or approval of development with conditions
- 4) CCC hearing held to decide whether to approve or deny permit
- 5) If approved, notice of intent to issue permit sent; permit will be issued once the prior to issuance conditions are satisfied (Cuffe 2001)
- 6) If permit requires OTD or deed restriction, blank legal document sent to landowner (Bove 2001)
- 7) Landowner completes form and sends it to the planner and / or the legal department
- 8) Planner and legal department evaluate document; approve document or recommend changes
- 9) Once the document is adequate, applicant records the document
- 10) Recorded document sent to legal department; copy sent to planner
- 11) Permit issued (after all prior to issuance conditions are met)
- 12) Permit expires within two years if not development takes place (Cuffe 2001)

Appendix B – continued**Monterey County Permit Process**

- 1) Applicant fills out application for development**
- 2) Planner analyzes impacts to resources; writes staff report, including conditions, and presents project to one of the following groups:**
 - Board of supervisors**
 - Planning commission**
 - Zoning administrator**
 - Subdivision committee**
- 3) Once staff report adopted by planning commission, planning staff sends resolution to the applicant explaining the results of the meeting and what the conditions will be**
- 4) Applicant provided with copy of easement form**
- 5) Applicant completes form, has it notarized, and submits it back to County for County counsel to review**
- 6) Once county counsel finds it acceptable, refers it back to the planner**
- 7) Planner then sends it back to the applicant to get their approval**
- 8) Applicant records easement**
- 9) Planner prepares a report and takes it to the Board of Supervisors**
- 10) Board of Supervisors accepts the easement**
- 11) Once all conditions met, the applicant can apply for building permit (Maki 2001b)**

APPENDIX C

Experimental Design Flowchart



APPENDIX D

Coastal Act Policies

Section 30001.5

- a) **Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.**
- b) **Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.**

Section 30230

Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240

- a) **Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.**
- b) **Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.**

Section 30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Appendix D - Continued**Section 30250**

- a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253

New development shall:

- 1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- 2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

APPENDIX E

North Monterey County Land Use Plan Policies

North County LCP

LUP Policy 2.2.2 (3)

Property containing land on scenic slopes, hills, and ridgelines when proposed for subdivision, should be subdivided so that the lots are situated to allow the highest potential for screening development and access roads from view. Lots and access roads should also be sited to minimize tree removal and visually intrusive grading during development. During the subdivision process, scenic or conservation easements should be required to the fullest extent possible for wooded ridge, hill, and areas of 30% slope or more.

LUP Policy 2.2.2 (4)

The least visually obtrusive portion of a parcel should be considered the most desirable site for the location of new structures. Structures should be located where existing topography and vegetation provide natural screening.

LUP Policy 2.2.3 (6)

Existing native trees and other significant vegetation shall be retained to the maximum extent possible, as an essential element of the scenic beauty and character of the North County coastal area. Removal of native trees and vegetation and landmark trees shall be permitted in accordance with Sections 2.3.2, 2.3.3, 2.6.2, and 2.6.3 of this plan and other policies that may apply. In addition, a Tree Ordinance shall be developed and rigorously enforced that will regulate removal of trees and other significant vegetation throughout the North County Coastal Zone.

LUP Policy 2.3.2 (1)

With the exception of resource dependent uses, all development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be prohibited in the following environmentally sensitive habitat areas: riparian corridors, wetlands, dunes, sites of known rare and endangered species of plants and animals, rookeries, major roosting and haul-out sites, and other wildlife breeding or nursery areas identified as environmentally sensitive. Resource dependent uses, including nature education and research hunting, fishing and aquaculture, where allowed by the plan, shall be allowed within environmentally sensitive habitats only if such uses would not cause significant disruption of habitat values.

LUP Policy 2.3.2 (5)

Where private or public development is proposed in documented or potential locations of environmentally sensitive habitats – particularly those habitats identified in the General

Appendix E - Continued

Policy No. 1 – field surveys by qualified individuals or agencies shall be required in order to determine precise locations and to recommend mitigating measures to ensure protection of any sensitive habitat present. The required survey shall document that the proposed development complies with all applicable environmentally sensitive habitat policies.

LUP Policy 2.3.2 (6)

The County shall ensure the protection of environmentally sensitive habitats through deed restrictions or dedications of permanent conservation easements. Where land divisions or development are proposed in areas containing environmentally sensitive habitats, such restrictions or easements shall be established through the development review process. Where development has already occurred in areas supporting sensitive habitat, property owners should be encouraged to voluntarily establish conservation easements or deed restrictions.

LUP Policy 2.3.3 (A) (2)

Maritime chaparral is an uncommon, highly localized and variable plant community that has been reduced in North County by residential and agricultural development. Further conversion of maritime chaparral habitat to agricultural uses is highly discouraged. Where new residential development is proposed in chaparral areas, it shall be sited and designed to protect the maximum amount of maritime chaparral. All chaparral on land exceeding 25 percent slope should be left undisturbed to prevent potential erosion impacts as well as to protect the habitat itself.

LUP Policy 2.3.3 (A) (4)

Oak woodland on land exceeding 25% slope should be left in its native state to protect this plant community and animal habitat from the impacts of development and erosion. Development within oak woodland on 25% slope or less shall be sited to minimize disruption of vegetation and habitat loss.

LUP Policy 2.3.3 (B) (1)

Riparian plant communities shall be protected by establishing setback requirements consisting of 150 feet on each side of the bank of perennial streams, and 50 feet on each side of the bank of intermittent streams, or the extent of riparian vegetation, whichever is greater. In all cases, the setback must be sufficient to prevent significant degradation of the habitat area. The setback requirement may be modified if it can be conclusively demonstrated by a qualified biologist that a narrower corridor is sufficient or a wider corridor is necessary to protect existing riparian vegetation from the impacts of adjacent use.

Appendix E - Continued**LUP Policy 2.3.3 (B) (4)**

A setback of 100 feet from the landward edge of vegetation of all coastal wetlands shall be provided and maintained in open space use. No permanent structures except for those necessary for resource-dependent use which cannot be located elsewhere shall be constructed in the setback area. Prior to approval of all proposed structures in the setback area, it must be demonstrated that the development does not significantly disrupt the habitat resource.

LUP Policy 2.3.3 (B) (5)

All wetland areas of the North County Coastal Zone shall be protected and preserved for their plant and wildlife values, including but not limited to McClusky Slough, Pajaro River, Salinas River, Salinas River Lagoon, Elkhorn Slough, Bennett Slough, and Moro Cojo Slough. The County's existing Non Pointsource Pollution Program shall be implemented.

LUP Policy 2.5.3 (C) (3) (a)

Where the parcel under consideration contains land in both Critical and Non-Critical Erosion categories, all new development, including roads, shall be sited on Non-Critical Erosion lands.

LUP Policy 2.5.3 (C) (7) (a)

The County encourages the long range restoration of watersheds experiencing excessive erosion or watersheds in which the cumulative amount of bare ground has exceeded the LDT. As a minimum objective the County shall seek to reduce the amount of bare ground in subwatersheds exceeding the LDT that are designated for Rural and Low Density development to a level that is which the LDT for that subwatershed.

LUP Policy 2.9.2 (3)

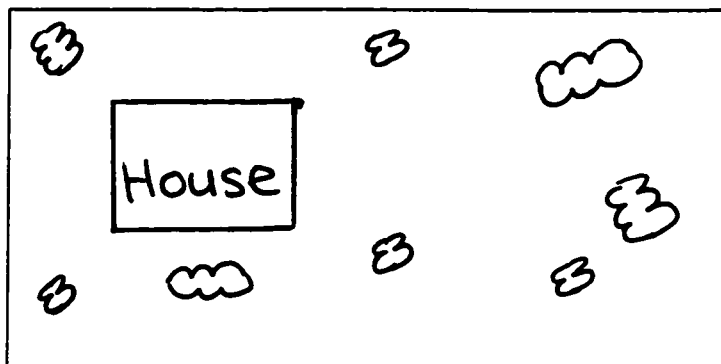
All available measures, including purchase of archaeological easements, dedication to the County, tax relief, purchase of development rights, etc., shall be explored to avoid development on sensitive prehistoric or archeological sites.

LUP Policy 2.9.2 (4)

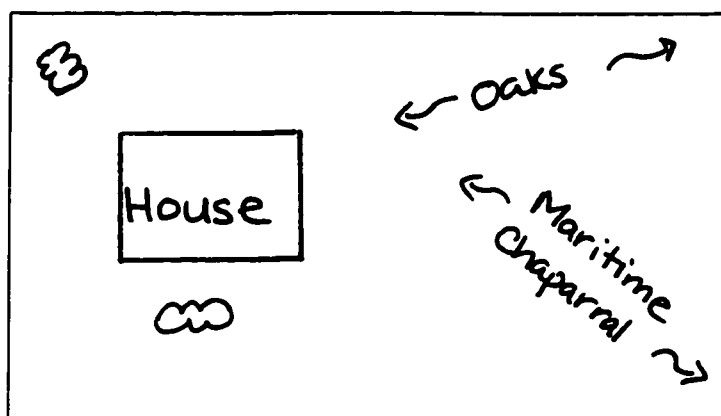
When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. To this end, emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential religious significance.

APPENDIX F

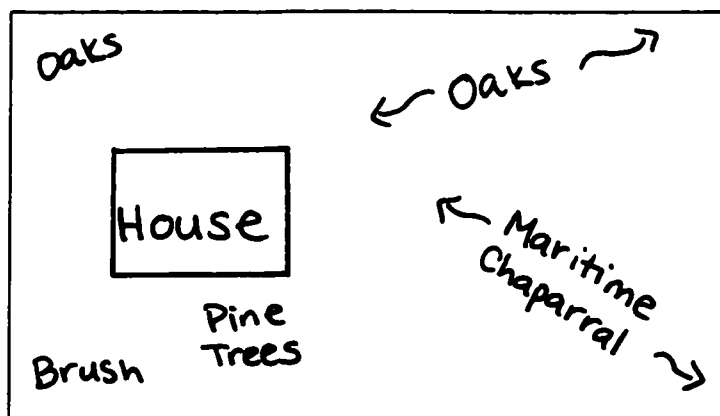
Examples of Maps Showing Location of Vegetation



Score: 2



Score: 1



Score: 1

APPENDIX G

California Coastal Commission Legal Document

Use of Property

USE OF PROPERTY. The use of the Protected Land shall be limited to natural open space for habitat protection, private recreation, and resource conservation uses. No development as defined in Public Resources Code Section 30106, attached hereto as Exhibit __ and incorporated herein by reference, including but not limited to removal of trees and other major or native vegetation, grading, paving, installation of structures such as signs, buildings, etc, or _____, shall occur or be allowed on the Protected Land with the exception of the following subject to applicable governmental regulatory requirements:

- a) the removal of hazardous substances or conditions or diseased plants or trees;
- b) the removal of any vegetation which constitutes or contributes to a fire hazard to residential use of neighboring properties, and which vegetation lies within 100 feet of existing permitted residential development;
- c) the installation or repair of underground utility lines and septic systems;
- d) _____

APPENDIX H

Monterey County Legal Document

Restrictions, Exceptions and Reservations

RESTRICTIONS. The restrictions hereby imposed upon the use of said property by the Grantor and the acts which said Grantor shall refrain from doing upon the said property in connection herewith are, and shall be, as follows:

1. That no structures will be placed or erected upon said described premises except _____.
2. That no advertising of any kind or nature shall be located on or within said property except _____.
3. That the Grantor shall not plant nor permit to be planted any vegetation upon said premises, except _____.
4. That, except for the construction, alteration, relocation and maintenance of public roads, public and private pedestrian trails, _____ the general topography of the landscape shall be maintained in its present condition and no excavation or topographic changes shall be made.
5. That no use of said described property which will or does materially alter the landscape or other attractive scenic features of said land other than those specified above shall be done or suffered.

EXCEPTIONS AND RESERVATIONS. The following are excepted and reserved to the Grantor:

Appendix H - Continued

1. The right to maintain all existing private roads, bridges, trails and structures upon said land, and the right to _____.
2. The use and occupancy of said land not inconsistent with the conditions and restrictions herein imposed.